

Words struck out by the Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Hon. Mr Smith

DOGS REGISTRATION

ANALYSIS

Title.	20. Minister may make arrangements for supply to local authorities of approved remedies, etc.
1. Short Title and commencement.	21. Regulations.
2. Interpretation.	
PART I	
REGISTRATION OF DOGS	
3. Dogs to be registered.	
4. Registration offices and Registrars.	
5. Collars with labels to be kept at offices.	
6. Register to be kept.	
7. Mode of registering dogs.	
8. Registration fees.	
9. Half fees.	
10. Registration to extend over New Zealand.	
11. Change of ownership.	
12. Label may be fixed to any collar.	
13. Burden of proof on owner of dog.	
14. Dogs not wearing proper collar deemed unregistered.	
15. Dogs not wearing proper collar may be destroyed or sold by local authority.	
Offences	
16. Using counterfeit or obsolete label or fraudulently using label.	
17. Removing label.	
PART II	
PREVENTION OF HYDATIDS	
18. Approved remedies to be kept and supplied by local authorities.	
19. Fees.	
PART III	
LIABILITY FOR INJURIES OR DAMAGE CAUSED BY DOGS	
22. Dangerous dogs may be destroyed.	
23. Allowing dangerous dogs to be at large unmuzzled.	
24. Dogs attacking persons, rushing at vehicles, or frightening stock, etc.	
25. Dogs attacking persons, stock, etc., may be destroyed.	
26. Dogs running at large among stock may be destroyed.	
27. Destruction of dogs that have been seen worrying stock.	
28. Mischievous propensity in dog need not be proved.	
PART IV	
MISCELLANEOUS	
29. By-laws as to tying up dogs at night.	
30. Abandoning dogs.	
31. Offences punishable on summary conviction.	
32. Complaints to be dealt with by a Magistrate.	
33. Application of fines.	
34. Application of fees.	
35. Expenses of administration.	
36. Regulations.	
37. Repeals and savings.	
	Schedule.

A BILL INTITULED

- Title.** AN ACT to consolidate and amend the law relating to the keeping and registration of dogs and the liability for injuries caused by dogs.
- BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5
- Short Title and commencement.** 1. (1) This Act may be cited as the Dogs Registration Act 1955.
- (2) This Act shall come into force on the *first* day of *January*, nineteen hundred and *fifty-six*. 10
- Interpretation.** 1908, No. 51, ss. 2, 28
1937, No. 29, s. 2
2. In this Act, unless the context otherwise requires,—
- “Approved remedy” means any substance or preparation prescribed as a remedy for the cure or prevention of disease in dogs caused by infection from the parasite *Echinococcus granulosus*: 15
- “Local authority” means a City Council, Borough Council, Town Council, or Road Board; and, in relation to a county (except any part of the county that is included in a town district or road district) means the County Council; and, in relation to any part of New Zealand that is not under the jurisdiction of any such local authority, means the Governor-General: 20
- “Owner”, in relation to any dog, includes every person who— 25
- (a) Keeps or harbours the dog or has the dog in his care for the time being, whether the dog is at large or in confinement; or
- (b) Occupies any house or premises in which the dog is usually kept or permitted to remain: 30
- “Stock” includes horses, cattle, sheep, asses, mules, pigs, and goats, of whatever age or sex.

PART I

REGISTRATION OF DOGS 35

- Dogs to be registered.** 1908, No. 51, s. 3
3. (1) No person shall keep any dog of a greater age than six months for a period of fourteen days or more, unless the dog is for the time being registered under the provisions of this Act.
- (2) Every person who commits a breach of subsection one of this section commits an offence, and is liable to a fine not exceeding twenty pounds. 40

4. (1) Every local authority shall appoint a sufficient number of registration offices for its district (whether within its district or elsewhere) at which dogs may be registered under the provisions of this Act, and at which
5 the register required by this Act shall be kept.

Registration offices and Registrars. 1908, No. 51, s. 4

(2) The local authority shall appoint a Registrar for each registration office, whose duty it shall be to keep the register, to make such entries therein as are required by this Act, and to receive all registration fees and other
10 money payable at that office under this Act.

5. (1) There shall be kept at every registration office a supply of dog collars, having labels securely affixed thereon numbered consecutively from one upwards and marked with the name of the district and the year for
15 which the same are issued.

Collars with labels to be kept at offices. 1908, No. 51, s. 5

(2) Every person shall be entitled to receive a collar in respect of each dog that he registers.

(3) Duplicate collars shall be issued on payment of the cost thereof on affirmation that the original has been
20 lost or stolen.

6. (1) The name and residence of every person who registers a dog shall be entered in a register to be kept for that purpose at the registration office, and opposite the name shall be entered the number of each collar
25 supplied to that person and a description of the dog by which the collar is to be worn.

Register to be kept. 1908, No. 51, s. 6

(2) The register shall be in the prescribed form, and may be examined by any person during office hours free of charge.

7. (1) Every registration of a dog shall be made by the owner thereof, or by some person on his behalf, delivering at a registration office appointed for the district where the dog is ordinarily kept a description of the dog, together with the particulars hereinbefore required to be
35 entered in the register, and paying the registration fee.

Mode of registering dogs. 1908, No. 51, s. 7

(2) That description shall be entered in the register, and the owner or person acting on his behalf shall receive a receipt for the registration fee and a collar, to be worn on the neck of the dog so registered.

40 (3) Every person commits an offence who 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 purpose of concealing the truth, and is liable to a fine not exceeding twenty pounds.

(4) Until payment of the appropriate fee, the registration shall be deemed not to have been duly made.

(5) Every such registration when duly made shall be deemed to be in force on the day on which it is made, and shall continue in force until the first day of January then next ensuing; and that registration shall be again made in like manner from year to year. 5

Registration
fees.
1908, No. 51,
ss. 8, 9
1948, No. 77,
s. 12

8. (1) A local authority may from time to time [*make by-laws prescribing*] by resolution publicly notified in some newspaper circulating in its district, prescribe the fees to be paid for the registration of dogs in its district under this Act: 10

Provided that the fee shall not exceed six shillings in respect of each male dog registered as a working dog nor one pound in the case of any other dog. 15

(2) Any [*by-laws made*] resolution under this section may—

(a) Fix different fees in respect of male dogs and bitches:

Provided that the fees payable in respect of spayed bitches shall be the same as those payable in respect of male dogs: 20

(b) Fix the maximum number of dogs that may be registered as working dogs by any one person.

(3) Every person claiming to register any dog as a working dog shall be required to sign a declaration in the prescribed form. Every person who makes any such declaration knowing the same to be false or untrue in any material particular commits an offence, and is liable to imprisonment for a term not exceeding one month or to a fine not exceeding twenty pounds. 25 30

(4) Where the local authority fixes a fee in respect of the registration of bitches which is higher than that fixed in respect of male dogs, any person claiming to register a spayed bitch shall produce to the Registrar a certificate by a registered veterinary surgeon that the bitch has been spayed. 35

Struck out

(5) In this section the term "working dog" means any dog kept solely for the purpose of herding or driving cattle or sheep: 40

Provided that the local authority may from time to time by by-law declare dogs kept solely for the purpose of any other specified work to be working dogs for the purposes of this section. 45

New

(5) In this section the term "working dog" means any dog—

(a) Owned by a shepherd or drover or farmer and kept solely for the purpose of herding or driving cattle or sheep; or

(b) Owned by a Rabbit Board, or by a rabbitier employed by a Rabbit Board, and kept solely for the purpose of destroying rabbits:

Provided that the local authority may from time to time, by resolution publicly notified in some newspaper circulating in its district, declare dogs owned by any specified class of persons and kept solely for the purpose of any other specified work to be working dogs for the purposes of this section.

9. In respect of every first registration made after the month of July in any year, there shall be payable only half the amount of the prescribed registration fee.

10. Every registration made under this Act shall be in force throughout New Zealand.

11. (1) Where the ownership of a dog 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 in writing of the change of ownership, and the Registrar shall, without payment of any fee, 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 not exceeding five pounds.

12. It shall be lawful for the owner of any dog registered under this Act to affix to any other dog collar (in the manner in which it was affixed to the collar supplied by the registration office) the registration label affixed to the collar supplied in respect of that dog by the registration office:

Provided that nothing in this section shall be deemed to authorize the wearing of any label by any dog other than the dog in respect of which it was issued.

Half fees.
1908, No. 51,
s. 10

Registration to
extend over
New Zealand.
1908, No. 51,
s. 11

Change of
ownership.
1908, No. 51,
s. 12

Label may be
fixed to any
collar.
1908, No. 51,
s. 14

Burden of proof on owner of dog. 1908, No. 51, ss. 11, 15

13. 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.

Dogs not wearing proper collar deemed unregistered. 1908, No. 51, s. 16

14. Any dog not wearing a collar having the proper registration label thereon shall, until the contrary is proved, be deemed to be unregistered. 5

Dogs not wearing proper collar may be destroyed or sold by local authority. 1908, No. 51, ss. 16, 17

15. (1) Where any dog over the age of six months not wearing a collar having the proper registration label thereon is found on any land, any person duly authorized in writing in that behalf by the local authority (either generally or in any particular case) or the occupier of the land or his agent may destroy the dog. 10

(2) Any dog over the age of six months not wearing a collar having the proper registration label thereon may, instead of being destroyed, be seized and kept by any person duly authorized by the local authority (either generally or in any particular case) or any constable, and, if it is not claimed and the expenses of its keep paid by the owner within seven days from the time of the seizure, may be sold by or on behalf of the local authority to any person, and that person shall thereupon become the lawful owner of the dog. 20

(3) The proceeds of any such sale shall be paid into and form part of the ordinary general fund of the local authority of the district in which the dog was seized. 25

Offences

Using counterfeit or obsolete label or fraudulently using label. 1908, No. 51, ss. 18, 19, 20

16. Every person commits an offence, and is liable to a fine not exceeding twenty pounds, who—

- (a) Falsely makes or counterfeits or, knowing the same to be false or counterfeit, purchases, uses, or has in his possession any label resembling or apparently intended to resemble or pass for a label supplied at a registration office under this Act; 30
or 35
- (b) After the first day of January in any year has in his following or keep any dog wearing a label issued in respect of any previous year, which dog has not been registered for the then current year; or 40
- (c) Has in his following or keep any dog wearing a label issued in respect of another dog.

17. Every person commits an offence who wilfully or maliciously—

- (a) Removes from the neck of any dog the collar required by this Act to be worn by that dog; or
 5 (b) Removes the label of registration affixed to any collar worn by any dog,—

and is liable to a fine not exceeding twenty pounds, and, if any dog is destroyed or sold under section *fifteen* hereof in consequence of the removal of that collar or label, may
 10 be ordered to pay to the owner the full value of the dog as determined by the Court.

Removing label.
 1908, No. 51,
 s. 21

PART II

PREVENTION OF HYDATIDS

18. (1) There shall be kept by the local authority at
 15 every registration office a sufficient supply of approved remedies.

(2) At the time of registration the Registrar shall supply to every person registering a dog a sufficient amount of an approved remedy to enable that person to
 20 treat the dog until the first day of January next following the date of registration.

(3) There shall also be supplied with the approved remedy printed instructions in the prescribed form for its use.

25 19. (1) In addition to the fee payable under section *eight* of this Act for the registration of a dog, there shall be payable in respect of the supply of an approved remedy as aforesaid a fee of the prescribed amount.

(2) Until payment of that additional fee the registration
 30 shall be deemed not to have been duly made.

20. The Minister of Internal Affairs may make such arrangements as he thinks fit for the supply to local authorities of approved remedies and of printed instructions to accompany those remedies.

35 21. Without limiting the general power to make regulations conferred by section *thirty-six* of this Act, regulations may from time to time be made under that section—

- (a) Prescribing approved remedies:
 40 (b) Prescribing fees payable in respect of the supply by local authorities of approved remedies:

Approved remedies to be kept and supplied by local authorities.
 1937, No. 29,
 s. 3

Fees.
 1937, No. 29,
 s. 4

Minister may make arrangements for supply to local authorities of approved remedies, etc.
 1937, No. 29,
 s. 4

Regulations.
 1937, No. 29,
 s. 6

- (c) Prescribing the form of instructions to be supplied with approved remedies:
- (d) Prescribing any other matters which in the opinion of the Governor-General may be necessary for the purposes of this Part of this Act.

5

PART III

LIABILITY FOR INJURIES OR DAMAGE CAUSED BY DOGS

Dangerous dogs may be destroyed.
1908, No. 51,
s. 22

22. (1) Where complaint is made to a Magistrate's Court that a dog, whether at large or not, is dangerous and is not kept under proper control, the Court, if it is satisfied that the dog is dangerous and is not kept under proper control, may make an order that the dog be kept by the owner under proper control or that the owner cause it to be destroyed. 10

(2) Every person who fails to comply with an order made under subsection *one* of this section commits an offence, and is liable to a fine not exceeding five pounds for every day during which the default has continued. 15

Allowing dangerous dogs to be at large unmuzzled.
1908, No. 51,
s. 23

23. Every person commits an offence and is liable to a fine not exceeding twenty pounds who (being the owner of the dog) permits any dog known to him to be dangerous, or to have bitten or injured any person or any stock or poultry or property of any kind, to go at large without being muzzled in such a manner as prevents the dog from biting but allows it to breathe and drink without obstruction; and any such dog so at large without being so muzzled may be forthwith seized and destroyed by any person authorized in writing in that behalf by the local authority (either generally or in any particular case) or by any constable. 20 25 30

Dogs attacking persons, rushing at vehicles, or frightening stock, etc.
1908, No. 51,
s. 24

24. (1) Where any dog on any highway or any place open to or used by the public as of right or any unenclosed place attacks any person or any stock the dog may be forthwith destroyed; and the owner of the dog commits an offence, and is liable to a fine not exceeding twenty pounds in addition to any liability he may incur for any damage caused thereby. 35

(2) Where any dog—

- (a) On any highway 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 stock, whereby any person is killed or injured or endangered or any property is damaged or endangered; or 40

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

the owner of the dog commits an offence, and is liable to a fine not exceeding twenty pounds in addition to any liability he may incur for any damage caused thereby; and the Court may make an order that the dog be kept by the owner under proper control or that the owner cause it to be destroyed.

(3) Every person who fails to comply with an order made under subsection *two* of this section that a dog be kept under proper control or be destroyed commits a further offence, and is liable to a fine not exceeding five pounds for every day during which the default has continued.

25 25. Any person who sees a dog, being at large, biting or attacking any person or any stock or any poultry, or who is himself bitten or attacked by any such dog, may forthwith destroy the dog, without being answerable for any damage occasioned thereby.

Dogs attacking persons, stock, etc., may be destroyed. 1908, No. 51, s. 25 1939, No. 39, s. 16 (a)

26. The owner or the agent of the owner of any stock or poultry, or any servant or person employed by any such owner or agent, may forthwith destroy any dog running at large among that stock or poultry.

Dogs running at large among stock may be destroyed. 1908, No. 51, s. 26 1939, No. 39, s. 16 (b)

25 *Struck out*

30 (2) No person who, with the intention of destroying the dog under the powers conferred by subsection *one* of this section, wounds or maims any 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.

New

35 26A. 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.

No liability where dog wounded in attempt to destroy.

40 27. (1) Where complaint is made to a Magistrate's Court by the owner of any stock or poultry, or the occupier of any land on which there is stock or poultry, or the agent of any such person, that any dog has been seen at large among that stock or poultry, the Court, if it is satisfied as to the grounds of the complaint, may make an order directing the owner forthwith to cause the dog to be destroyed.

Destruction of dogs that have been seen worrying stock.

(2) Every person who fails to comply with an order made under subsection *one* of this section commits an offence, and is liable to a fine not exceeding five pounds for every day during which the default has continued.

Mischievous propensity in dog need not be proved.
1908, No. 51,
s. 27

28. The owner of a dog shall be liable in damages for injury done by the dog, and it shall not be necessary for the person seeking damages to show a previous mischievous propensity in the dog, or the owner's knowledge of any such mischievous propensity, or that the injury was attributable to neglect on the part of the owner of the dog. 5 10

PART IV

MISCELLANEOUS

By-laws as to tying up dogs at night.

29. (1) A local authority may from time to time make by-laws requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset and ending not later than half an hour before sunrise. 15

(2) Where any dog is found at large in breach of any by-law made under subsection *one* of this section, any person authorized in writing in that behalf by the local authority (either generally or in any particular case) or any constable may forthwith destroy the dog. 20

(3) Any by-law made under this section may prescribe the manner in which dogs shall be tied up or otherwise confined and the shelter to be provided for them. 25

Abandoning dogs.

30. Every person commits an offence, and is liable to a fine not exceeding **[five]** twenty pounds, who (being the owner thereof) wilfully abandons any dog.

Offences punishable on summary conviction.
1908, No. 51,
s. 29

31. Every offence against this Act shall be punishable on summary conviction. 30

Complaints to be dealt with by a Magistrate.

32. Every complaint under section *twenty-two* or section *twenty-seven* of this Act shall be heard and determined by a Magistrate.

Application of fines.
1908, No. 51,
s. 30
1953, No. 74

33. (1) Subject to subsection two of section one hundred and nine of the Public Revenues Act 1953, all fines recovered under this Act on the information of an officer of a local authority shall be paid into and form part of the ordinary general fund of the local authority. 35

(2) Notwithstanding anything in subsection *one* of this section, the Court before which any person is convicted of an offence against this Act may direct that part (not exceeding half) of any fine imposed shall be paid to the informant or to any person giving information that led to the conviction.

34. All fees paid to a local authority under this Act shall be paid into its ordinary general fund or, where the Governor-General is the local authority, into the Consolidated Fund.

Application of fees.
1908, No. 51,
s. 30

35. All expenses and costs incurred by a local authority in the administration of this Act shall be defrayed out of the ordinary general fund of the local authority or, where the Governor-General is the local authority, out of the Consolidated Fund.

Expenses of administration.
1908, No. 51,
s. 31

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

Regulations.

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

37. (1) The enactments specified in the Schedule to this Act are hereby repealed.

Repeals and savings.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

See Reprint of Statutes,
Vol. VIII,
p. 568



Schedule.

SCHEDULE

Section 37 (1)

ENACTMENTS REPEALED

1908, No. 51—

The Dogs Registration Act 1908. (Reprint of Statutes, Vol. I,
p. 204.)

1937, No. 29—

The Dogs Registration Amendment Act 1937.

1939, No. 39—

The Statutes Amendment Act 1939: Section 16.

1948, No. 77—

The Statutes Amendment Act 1948: Section 12.