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CHAPTER 64

CONTROL AND REGISTRATION OF DOGS

JR 3 of 1971

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CONTROL AND REGISTRATION OF DOGS

To provide for the registration and control of dogs.

PART 1 – REGISTRATION

1. Application of Part 1 and proof of age of dogs

(1) This part of this Act shall apply to dogs both male and female over the age of 6 months.

(2) In any prosecution instituted under this part of this Act, the age of the dog to which the proceedings relate shall, in the absence of proof to the contrary, be presumed to be more than 6 months.

2. Declaration of Dog Control Areas and appointment of Dog Control Officers and appointed persons

(1) The Minister responsible for agriculture and livestock may by Order declare areas in Vanuatu to be Dog Control Areas.

(2) There shall be appointed a Dog Control Officer for each Dog Control Area and such person (hereinafter referred to as "appointed persons") to perform the functions and exercise the powers conferred upon them by this Act.

3. Registration of dogs and issue of badges

(1) Upon receipt of the prescribed registration fee, the Dog Control Officer shall enter particulars of the dog and its owner in a register which he shall keep for the purpose and shall issue to the owner a badge inscribed with a serial number recorded in the register, which shall be valid up to the end of the calendar year in which it is issued.

(2) In any prosecution instituted under this part of this Act –

(i) a copy of any entry in the register certified by the Dog Control Officer shall be admissible and sufficient proof of the contents thereof;

(ii) a certificate signed by the Dog Control Officer that no entry relating to a particular person or dog has been made in the register shall be admissible and sufficient proof that no registration has been effected by that person or in respect of that dog.

4. Dogs to be registered in each year

(1) Subject to subsection (2), every owner of a dog within a Dog Control Area shall in each year register it with the Dog Control Officer and pay the prescribed fee therefor, on or before the last day of the month of February in the year for which registration is required.

(2) Every person who during the course of a year first becomes the owner of a dog to which this part of this Act applies, whether by age of the dog or change of ownership, shall cause it to be registered with the Dog Control Officer and shall pay the prescribed fee therefor within 2 months of that date.

(3) Every person who shall fail to comply with the provisions of subsection (1) or subsection (2) shall pay to the Dog Control Officer in addition to the prescribed fee for registration a penalty fee fixed by regulations made by the Minister for the purpose of each complete month during which the prescribed fee is lawfully due and is not paid.

(4) Without prejudice to the provisions of subsection (3), every person who shall fail to register a dog required by this Act to be registered and to pay the registration fee and penalty fees if any in respect thereof shall commit an offence punishable upon conviction thereof by a fine not exceeding VT 25,000 or by imprisonment for a term not exceeding 1 month, or by both such fine and imprisonment.

5. Dogs to wear valid badges

(1) Every owner of a dog in a Dog Control Area shall cause it to wear a collar with a badge valid for the current year attached thereto.

(2) Every person who fails to comply with the provisions of subsection (1) shall commit an offence punishable upon conviction thereof by a fine not exceeding VT 1,000.

6. Dogs to be re-registered on loss of badge

Where any badge issued by a Dog Control Officer in respect of any dog has been lost or destroyed, the owner shall forthwith notify the Dog Control Officer and shall register the dog again as if it had not been registered in that year.

7. Impounding of dogs by appointed persons

(1) Where an appointed person finds a dog not wearing a badge in a Dog Control Area, he may seize and impound it.

(2) Where an appointed person finds any unaccompanied dog straying in a Dog Control Area, he may seize and impound it.

(3) The owner of any dog found by an appointed person straying in a Dog Control Area on 2 or more occasions within any period of 12 months shall be guilty of an offence punishable upon conviction by a fine not exceeding VT 1,000:

Provided that it shall be a defence to a charge under this subsection if the person charged shall show that he took all reasonable steps to prevent the straying and that it was not caused by his act or omission.

(4) Where an appointed person has impounded any dog not wearing a badge under the provisions of this section, he shall within 72 hours thereof cause a public notice in the form prescribed in the Schedule to be posted in the usual places where public notices are displayed.

(5) Where an appointed person has impounded a dog wearing a badge under the provisions of this section, he shall as soon as practicable inform the owner thereof.

(6) Poundage fees and unpaid registration fees shall be paid in respect of every dog impounded under the provisions of this section.

(7) Subject to subsection (6), upon payment to the appointed person of the poundage fees due and any unpaid registration fees and penalty fees, any dog impounded under the provisions of this section, shall be released to the owner.

(8) If the required fees have not been paid by the expiration of 6 clear days from the posting of the public notice, the appointed person may at the direction of a veterinary officer sell the dog impounded or cause it to be destroyed humanely by an officer or agent of the Ministry of Agriculture and Livestock.

8. Provisions as to fees paid

Where any fees are paid to an appointed person under the provisions of this Act, he shall issue an official receipt therefor and forthwith forward the fees to the Dog Control Officer.

9. Exemptions

This part of this Act shall have no application in respect of guide dogs for blind persons, police dogs or dogs owned by or used for the purpose of the Government.

PART 2 – CONTROL

10. Application of Part 2

This part of this Act shall apply in respect of all dogs whether male or female and, unless otherwise specified, within and outside Dog Control Areas.

11. Failure to control dangerous dogs

(1) Any person who fails to keep a dangerous dog under proper control shall be guilty of an offence punishable on conviction thereof by a fine not exceeding VT 25,000 or by imprisonment for a term not exceeding 3 months, or by both such fine and imprisonment:

Provided that it shall be a defence to a prosecution under this section if the person charged shall prove that the dog was wilfully provoked, whether by the complainant or by some other person.

(2) The District Commissioner of the district concerned may, upon the conviction of any person under subsection (1), order that the dog shall be destroyed humanely by an officer or agent of the Ministry of Agriculture and Livestock.

(3) Any dog which has attacked or attempted to attack any person shall be deemed for the purpose of this section to be a dangerous dog.

12. Failure to prevent nocturnal annoyance by dogs

Any owner of a dog within a Dog Control Area who wilfully causes or permits it to bark, howl or whine between the hours of 9 o'clock in the evening and 5 o'clock in the morning of the following day so as to cause unreasonable annoyance to other persons shall be guilty of an offence punishable upon conviction thereof by a fine not exceeding VT 1,000.

13. Prohibition of dogs in premises for preparation or sale of food

Any owner of a dog who causes or permits it to enter any premises where food for human consumption is prepared for sale or sold in the ordinary way of business shall be guilty of an offence punishable upon conviction thereof by a fine not exceeding VT 1,000.

14. Failure to bury carcasses

Any owner of livestock who shall leave a dead carcass unburied or unburnt in a place to which any dog may gain access shall commit an offence punishable upon conviction thereof by a fine not exceeding VT 15,000.

15. Prohibition of laying poisoned bait

Any person who uses strychnine or any other poison to destroy dogs or any other domestic animals or who lays or sets any poisoned bait in such a manner or place that it may be consumed by any dog or any other domestic animals shall commit an offence punishable on conviction thereof by a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

16. Official destruction of dogs lawful

Notwithstanding the provisions of this Act, it shall be lawful for any duly authorised officer or agent of the Ministry of Agriculture and Livestock to use any poisonous substance for the destruction of dogs or to shoot any dog, in order to protect any livestock under conditions prescribed in Orders made by the Minister responsible for agriculture and livestock.

17. Cruelty and neglect towards dogs by owners

Any owner of a dog who treats it with cruelty or neglect or who fails to give it adequate and regular nourishment shall commit an offence punishable upon conviction thereof by a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 3 months, or to both such fine and imprisonment.

18. Worrying of livestock by dogs

(1) Any owner of a dog who wilfully causes or permits it to worry livestock, other than livestock trespassing upon land occupied by such owner, or fails to take reasonable steps to prevent it from worrying such livestock, shall commit an offence punishable upon conviction thereof by a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 3 months, or to both such fine and imprisonment.

(2) The owner or other authorised person having charge for the time being of any livestock being worried by any dog may if it is necessary in order to end the worrying, summarily destroy the dog by shooting it:

Provided that this subsection shall not apply in respect of livestock trespassing upon land occupied by the owner of the dog concerned.

(3) For the purposes of this section, worrying livestock means –

(a) attacking livestock, or

(b) chasing livestock in such a way as may reasonably be expected to cause injury or suffering to the livestock or, in the case of females, abortion, or loss or diminution of their produce.

PART 3 – MISCELLANEOUS

19. Regulations

The Minister may make regulations for carrying into effect the provisions of this Act and without prejudice to the generality of the foregoing for the purpose of –

(a) prescribing fees payable upon the registration of dogs, including a rising scale of fees in proportion to the increasing number of dogs owned by any one person;

(b) prescribing the penalty fees payable in respect of registration fees lawfully due but not paid;

(c) prescribing the amount of poundage fees payable;

(d) prescribing the conditions under which dogs may be destroyed whether by poisoning or shooting by officers or agents of the Ministry of Agriculture and Livestock;

(e) introducing on the advice of the District Commissioner concerned the compulsory registration of dogs in areas other than declared Dog Control Areas and the application in respect of such areas of any provisions of this Act;

(f) any other matters incidental to the foregoing or necessary for the fulfillment of any duty or function or the exercise of any power by any person under the provisions of this Act.

20. Meaning of owner

In this Act, unless the context otherwise requires, reference to the owner of a dog shall include reference to any other person for the time being having charge or control of a dog.

SCHEDULE

(section 7(4))

PUBLIC NOTICE

Control and Registration of Dogs Act, Cap. 64

1. The following dog was impounded by me .....

   on the ..... day of ..... 20..... at .....

   Colour Sex Type

   .....

   .....

   .....

2. Poundage fees at the rate of ..... per day are payable.

3. On payment of the poundage fees and any registration fees or penalty fees outstanding the dog will be released to the owner.

4. If no such payment is made within 6 days from the date of this notice the dog will be destroyed or sold.

(Signed) .....

Appointed person for the Dog Control Area of:

.....

Dated the ..... day of ..... 20.....