



Tuvalu

DOGS ORDINANCE

3 of 1919, Pt. 1, 3 of 1929, 10 of 1950 (Cap. 49 of 1952), 3 of 1957, 8 of 1958, 10 of 1965, 2 of 1969, 8 of 1971, 3 of 1972 (Cap. 46 of 1973)



Tuvalu

DOGS ORDINANCE

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AN ORDINANCE RELATING TO DOGS AND THE REGISTRATION OF DOGS

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [17th July 1919]

1 Short title

This Ordinance may be cited as the Dogs Ordinance.

2 Application

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

3 Interpretation

In this Ordinance, 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**” shall mean the keeper of a dog and shall include the occupier of any building where any dog is ordinarily kept or permitted to live or to remain and the person in whose care any dog may temporarily be, whether loose or confined, and any person who may harbour a dog;

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

4 Magistrates may order destruction or control of dangerous dogs

Any magistrate or island 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 \$2 for every day during which he fails to comply with such order.

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 \$10.

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 \$4 for every such offence.

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 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, or controlling or prohibiting the movement of dogs as between islands in Tuvalu.
- (2) Any breach of the provisions of such regulations may carry with it a penalty not exceeding \$10.

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 to a 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 \$1 and no registration shall be recorded until this payment has been made.

Schedule 1

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.

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 Ordinance 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 Ordinance 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 Ordinance 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 \$1.

23 Power to seize dogs not wearing a collar

Any dog not less than 6 months old running at large and not wearing a collar and badge of the current year shall be liable to be seized by any person seeing it.

24 Disposal of dogs seized

Every dog seized under the last preceding section 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 local government council in whose area of authority the dog shall have been seized or by any person designated by him.

25 Notice to owner

When the owner of any dog so seized is known, notice of the seizure shall immediately be given to the owner.

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, an island 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 an island magistrate or a registering officer is satisfied that the dog so seized is liable to registration under this Ordinance 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.

27 Registration fees

Registration fees under this Ordinance due and payable within the area of authority of a local government council shall be paid to and form part of the revenues of that council.

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

Council19

Received from

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

Description

Fee \$1.

.....

Registering Officer

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References