

New Zealand.

DOGS REGISTRATION.

1908, No. 51.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Registration of Dogs.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is “The Dogs Registration Act, 1908.” Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All offices, appointments, Proclamations, registers, notifications, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. In this Act, if not inconsistent with the context,—

“Local authority” means— Interpretation.

(a.) The Council of a borough;

(b.) The Council of a county wherein the whole of “The Counties Act, 1908,” is in operation;

(c.) The Board of a road district outside of any such county;

(d.) The Board of a town district; and

(e.) In any part of New Zealand not included in any such borough, county, road district, or town district, the Governor.

Registration.

Dogs to be registered.
1880, No. 24, sec. 4

3. Any person who keeps any dog of a greater age than six months for a period of fourteen days without causing such dog to be registered, and such registration to be again made from year to year in manner hereinafter mentioned, shall be liable to a fine not exceeding five pounds for every such dog, over and above the amount of any fee payable in respect of the registration of such dog.

Registrars and registration offices.
Ibid, sec. 6

4. The local authority shall appoint a sufficient number of registration offices at which dogs may be registered under the provisions of this Act, and at which the register-books required by this Act shall be kept, and shall appoint Registrars in each of such places to keep such registers and to receive all registration fees, and to make such entries in the registers as are by this Act required, and shall fix the amount of salary or remuneration of such Registrars.

Collars with labels to be kept at offices.
Ibid, sec. 6

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

(2.) Any 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 original cost thereof on affirmation that the original has been lost or stolen.

Register to be kept.
Ibid, sec. 6

6. (1.) The name and residence of every person who procures a collar shall be entered in a register-book, to be kept for that purpose at the registration office, and opposite the name shall be registered the number on each collar purchased by such person, and a description of the dog by which such collar is to be worn.

(2.) Such register-book shall be in the form in the Second Schedule hereto, and may be examined by any person within office hours on payment of a fee of sixpence.

Mode of registering dogs.
Ibid, sec. 7

7. (1.) Every registration of a dog shall be made by the owner thereof, or by some person on his behalf, delivering at some appointed registration office in the district where the owner of such dog either lives or has his place of business a description of such dog, together with the other particulars hereinbefore required to be entered in the register-book, and paying the registration fee.

(2.) Such description shall be entered in the register-book, and the aforesaid owner or other person shall receive a receipt for the registration fee, and a collar, to be worn on the neck of the dog so registered.

(3.) Every person who wilfully inserts or omits, or wilfully 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, is liable to a fine not exceeding five pounds.

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

Registration to be renewed yearly.
Ibid, sec. 8

(5.) Every such registration when duly made shall be deemed to be in force from the day upon which the same is made until the first

day of January then next ensuing, and no longer; and such registration shall be again made in like manner from year to year.

8. The fee to be paid for registration of any dog shall be ten shillings: Provided that—

(a.) The local authority of a district may, by notification in some newspaper having general circulation in the district, fix the fee at such sum not exceeding ten shillings, and not less than two shillings and sixpence, as it thinks fit:

(b.) In the case of dogs kept solely for the purpose of destroying rabbits, the local authority may, by notification as aforesaid, reduce the fee to such sum as it thinks fit, not being less than one shilling for each such dog:

(c.) Any shepherd or drover, or any farmer, shall be entitled to have registered any number of dogs, not exceeding three, kept solely for the purpose of herding or driving sheep or cattle, on payment for each such dog of such fee not exceeding two shillings and sixpence, and not less than one shilling, as the local authority, by notification as aforesaid, thinks fit to fix.

9. (1.) Every person claiming to register any dog at a reduced fee under paragraph (b) or (c) of the last preceding section shall be required to sign a declaration in the form of the Third Schedule hereto.

(2.) Every person who makes any such declaration knowing the same to be false is liable to a fine not exceeding twenty pounds, or to imprisonment for any period not exceeding one month.

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

11. Every registration made under this Act shall be in force throughout New Zealand, and any person being the owner of a registered dog may remove such dog to any other district than the one wherein such dog is registered without payment of any fee; but the burden of proving that a license fee has been paid for any dog shall be upon its owner.

12. Where the ownership of a dog is changed, the registration of such dog shall continue good, and the registration collar shall, upon the application of the new owner, remain with the dog, but the name of the new owner of such dog shall, upon application by him, be entered in the register-book in substitution of the name of the previous owner thereof, without payment of any fee; and thereupon, for the purpose of this Act, such new owner shall take the place of the previous owner.

13. Where any person, without being summoned to enforce payment of the registration fee in respect of any dog in his possession or following, pays such registration fee after the time limited for such registration, he shall be exempted from the fine imposed by this Act for not effecting such registration within the proper time, and shall not be liable to be summoned for the payment of such fine:

Provided that this section shall not operate as a bar to the conviction or fining of any person against whom an information is laid prior to the payment of such registration fee.

Fee to be appointed
by local authority.
1880, No. 24, sec. 9
1882, No. 10, sec. 2

Rabbiting-dogs.

Sheep-dogs, &c.
1890, No. 4, sec. 2
1895, No. 4, sec. 4

Declaration as to
sheep-dogs, &c.
1882, No. 10, sec. 3
1890, No. 4, sec. 2
1895, No. 4, sec. 4

Half-fees.
1880, No. 24, sec. 9

Registration to
extend over New
Zealand.
1876, No. 48, sec. 24
1880, No. 24, sec. 10

Change of
ownership.
Ibid, sec. 11

Registration after
due date.
1882, No. 10, sec. 4

Registration label
may be fixed to
any collar.
1882, No. 10, sec. 6

14. Where a dog is duly registered under this Act, it shall be lawful for the owner to affix the registration label obtained from the registration office on any dog-collar other than that obtained from the said office.

Burden of proof on
owner of dog.
1880, No. 24, sec. 12

15. In any proceedings under this Act the proof of due registration, or that any dog is under the age of six months, or has not been kept for a period of fourteen days by the owner thereof, shall in each case be on the defendant.

Dogs not registered
may be destroyed.
Ibid, sec. 13

16. Dogs without collars having the proper registration labels thereon shall *prima facie* be deemed to be unregistered, and any person upon whose land such dog is found, or his agent, or any person duly authorised by the local authority, may destroy any such dog.

Or may be sold by
local authority.
1882, No. 10, sec. 5

17. Any such dog, instead of being so destroyed, may be seized and kept by the police or by any one duly authorised by the local authority, and if not claimed and the expenses of its keep paid by the owner within seven days from the time of such seizure, may be sold and disposed of to any person, and such person shall thereupon become the lawful owner of the same, and the proceeds of any such sale as aforesaid shall be paid into the ordinary general fund of the local authority of the district in which the dog was seized.

Offences.

Using counterfeit
label.
1880, No. 24, sec. 20

18. Every person who 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 metal label supplied at some registration office under this Act is for every such offence liable to a fine not exceeding twenty pounds.

Using obsolete
label.
Ibid, sec. 21

19. Every person who, after the first day of January in every year, has in his following or keep any dog wearing a label issued in any previous year, which dog has not been registered for the then current year, is liable to a fine not exceeding five pounds.

Using label
fraudulently.
Ibid, sec. 21

20. Every person who has in his following or keep any dog wearing a label issued in respect of another dog is liable to a fine not exceeding ten pounds.

Removing label.
Ibid, sec. 22

21. Every person who wilfully or maliciously removes from the neck of any dog the collar required by this Act to be worn by such dog, or so removes the metal label of registration affixed to any collar worn by such dog, is liable for every such offence to a fine not exceeding ten pounds, and, if any dog is destroyed under section seventeen hereof in consequence of the removal of such collar or label, shall pay to its owner the full value of the dog so destroyed.

Injuries by Dogs.

Dangerous dogs may
be destroyed.
Ibid, sec. 14

22. Any Court of summary jurisdiction may take cognisance of a complaint that a dog, whether at large or not, is dangerous and not kept under proper control; and, if it appears that such dog is dangerous, may make an order in a summary way directing the dog either to be kept by the owner under proper control or to be destroyed; and every person who fails to comply with such order is liable to a fine not exceeding one pound for every day during which the failure continues.

23. Every person who permits any dog known to be dangerous, or to have bitten or injured any person or any cattle or other property, to go at large, whether with a registered collar affixed to it or not, without being muzzled in such a manner as allows the animal to breathe and drink without obstruction, is liable for every such offence to a fine not exceeding two pounds; and any such dog so at large may be forthwith seized and killed by any constable.

Allowing dangerous dogs to be at large unmuzzled.
1880, No. 24, sec. 15

24. If any dog, on any highway or any unenclosed place, rushes at, attacks, or startles any person, or any horse, cattle, or other animal, whereby the life or limbs of any person are endangered, or any property is injured or endangered, such dog may be immediately killed; and the owner or keeper of every such dog shall be liable to a fine not exceeding five pounds for every such offence, over and above the amount of any damage occasioned by such dog.

Dogs attacking persons or frightening horses.
Ibid, sec. 16

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

Dog seen attacking persons, sheep, &c., may be killed.
Ibid, sec. 17

26. The owner or the agent of the owner of any cattle or sheep, or any servant or person employed by such owner or agent, may destroy any dog running at large amongst such cattle or sheep.

Dogs running at large amongst sheep may be killed.
Ibid, sec. 18

27. 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.

Mischievous propensity in dog need not be proved.
Ibid, sec. 19

Miscellaneous.

28. For the purposes of this Act every person shall be deemed to be the owner of a dog, and liable accordingly, who—

“Owner” of dog defined.
Ibid, sec. 2

- (a.) Keeps or harbours, or has in his care for the time being, any dog, whether at large or in confinement; or
- (b.) Occupies any house or premises wherein any dog is usually kept or permitted to remain.

29. All fines and sums of money incurred or payable under this Act shall be recoverable in a summary manner.

Recovery of fines.
Ibid, sec. 23

30. All fees received in respect of any registration under this Act shall be paid by the person receiving the same into the ordinary general fund of the local authority of the district in which the registration was made, and all fines recovered in respect of any breach of this Act shall be paid into the ordinary general fund of the local authority of the district in which the breach was committed:

Fees, fines, &c., how dealt with.
Ibid, sec. 24

Provided that in those parts of New Zealand wherein the Governor is by this Act declared to be the local authority all such fees and fines shall be paid into the Consolidated Fund:

Provided also that one moiety of every fine imposed under this Act may, if the convicting Justices so direct, be paid to any person suing for the same, or giving such information as may lead to conviction.

31. All the expenses incident to the administration of this Act shall be paid out of the ordinary general fund of the local authority.

Expenses of administration
Ibid, sec. 25

Application of Act.
1880 No. 24, sec. 3
1895, No. 4, secs. 2, 3

32. The Governor may by Proclamation exclude any part of New Zealand from the operation of this Act, or of any provisions hereof, and may in like manner extend such operation to any part of New Zealand formerly excluded, and may declare the time at which such operation shall take effect within the area so notified, and thereupon the Act shall take effect accordingly.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

- 1876, No. 48.—“The Financial Arrangements Act, 1876”: Section 24.
- 1880, No. 24.—“The Dog Registration Act, 1880.”
- 1882, No. 10.—“The Dog Registration Act Amendment Act, 1882.”
- 1890, No. 4.—“The Dog Registration Act Amendment Act, 1890.”
- 1895, No. 4.—“The Dog Registration Act Amendment Act, 1895.”

SECOND SCHEDULE.

REGISTER-BOOK.

Section 6.
1880, No. 24, Second
Schedule.

Name.	Residence.	Number of Collars purchased.	Description or Kind of Dog to wear the Collars.	Age.	Sex.	Colour, or Peculiar Marks.

THIRD SCHEDULE.

Section 9.
1882, No. 10,
Schedule.
1890, No. 4,
Schedule.

I, THE UNDERSIGNED [*Here insert name*], being the owner of dog [*or dogs*], which I apply to have registered under paragraph (*b*) [*or paragraph (c)*] of section 8 of “The Dogs Registration Act, 1908,” hereby solemnly and sincerely declare that the said dog [*or dogs*] now is [*or are*] and will be kept solely for the purpose of destroying rabbits [*or for the herding or driving of sheep or cattle, as the case may be*].

Dated this day of , 19 .

Witness to signature—
C. D.

A. B.