

CHAPTER 168

DOGS

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*Ordinances Nos. 64 of 1968, 6 of 1969, Legal Notices Nos. 112 of 1970, 118 of 1970, Acts Nos. 14 of 1975, 22 of 1982*

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO DOGS

[1 January 1971]

*Short title*

- 1. This Act may be cited as the Dogs Act.

*Interpretation*

- 2.—(1) In this Act, unless the context otherwise requires—
  - “dogs” means any dog or bitch irrespective of age, whether such animal be licensed or not and whether such animal be domesticated or not;
  - “dog licence” means a licence to keep a dog issued in accordance with the provisions of this Act;
  - “inspector” means any person appointed by the Minister to be an inspector for the purposes of this Act;

“licensing authority”, in relation to an area, means a person or body that is, for the time being, declared by the Minister, in accordance with section 2A, to be a licensing authority in respect of that area;

“licensing officer”, in relation to an area, means an officer appointed by the Minister to be a licensing officer for the purposes of this Act in respect of that area;

“owner of a dog” means the keeper of a dog includes 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;

“sterile bitch” means any bitch certified by a veterinary officer as being incapable of producing a litter.

*(Amended by Legal Notice 112 of 1970; Act 14 of 1975, s.67; 22 of 1982, s.3.)*

(2) Without limiting the meaning of the expression “stray dog” any dog, whether wearing a collar or not, which is at large between the hours of 7 p.m. and 5 a.m. shall be deemed to be a stray dog.

*Licensing authorities*

2A.—(1) The Minister may, from time to time, by order, declare a person or body to be a licensing authority for the purposes of this Act in respect of a specified area or specified areas.

(2) A declaration contained in an order made under subsection (1) shall be subject to such limitations and conditions (if any) as are specified in the order.

*(Inserted by Act 22 of 1982, s.4.)*

*Magistrate may order destruction or control of dangerous dog*

3.—(1) Any magistrate may take cognizance 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 to the magistrate that such dog is dangerous, he may make an order in a summary way directing either that the dog be destroyed in manner to cause as little pain as possible or that it be kept under proper control by the owner.

(2) Any person failing to comply with such order shall be guilty of an offence and liable on conviction to a fine not exceeding \$5 for every day during which he fails to comply with such order. *(Amended by Act 22 of 1982, s.5.)*

*Penalty for not muzzling dangerous dogs*

4. Any owner who permits a dog which he knows to be dangerous or to have injured any person or any horse, sheep, cattle, pigs or poultry of any kind or any domestic animal to get at large without being properly muzzled shall be guilty of an offence and liable on conviction to a fine not exceeding \$100.

*(Amended by Act 22 of 1982, s.6.)*

*Dog attacking person or animal on public road*

5. If any dog on any street, public road or public pathway or in any public place rushes at or attacks any person or any horse, sheep, cattle, pigs, poultry or other animal whereby any person is injured or endangered or any property is injured or endangered, the owner of such dog shall be guilty of an offence and liable on conviction to a fine not exceeding \$100.

*(Amended by Act 22 of 1982, s.7.)*

*Spectator may destroy dog seen biting person*

6. Any person who sees a dog, being at large, biting or attacking any person or is himself bitten or attacked by such dog may destroy the same without being answerable to the owner of the dog.

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

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

*Destruction of stray and wild dogs*

8.—(1) Notwithstanding the provisions of any law to the contrary it shall be lawful for the Minister to take, subject to the provisions of this Act and any regulations made thereunder, such measures as he thinks fit for the seizure and destruction of stray or wild dogs. (*Amended by Act 22 of 1982, s.8.*)

(2) Three clear days' notice shall be given of the method of destruction to be used in any area and the period during which such method is to be used.

(3) Any notice required by the provisions of this section shall be given by affixing it in one or more public or conspicuous places or situations in the area affected and by announcing the contents thereof by radio on at least 3 different occasions before the taking of the measures referred to in subsection (1).

(4) No compensation shall be payable to the owner of any animal destroyed in consequence of the exercise of the powers conferred by the provisions of this section.

*Owner liable in damages for injury by dog*

9. The owner of every dog shall be liable in damages for any unprovoked 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 attributed to neglect on the part of the owner of the dog.

*Keeping dog without licence*

10.—(1) Any person who keeps a dog more than 6 months old without holding a licence in respect of such dog shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50:

Provided that the provisions of this subsection shall not apply to any dog which is kept by the Police Force for police purposes. (*Amended by Act 22 of 1982, s.9.*)

(2) For the purposes of this section, any person in whose custody, charge or possession or in whose house or on whose premises any dog shall be found or seen shall, unless the contrary is proved, be deemed to be the person keeping such dog.

*Dog licence*

11.—(1) Where a person, not being a person disqualified, by virtue of an order made under the Protection of Animals Act, from keeping a dog—

(*Cap. 169.*)

- (a) requests a licensing officer or a licensing authority to issue a dog licence to him;
- (b) provides that officer or authority with the particulars of himself and of the dog in respect of which the licence is to be issued that are necessary for the completion of the licence as prescribed; and
- (c) pays to that officer or authority the prescribed fee,

the officer or authority shall issue to that person a dog licence in the prescribed form and a corresponding registration label. (*Substituted by Act 22 of 1983, s.10.*)

(2) A dog licence shall have effect for a period—

(a) commencing on a date specified in the licence (in this subsection referred to as the commencing date), being—

(i) the date of issue of the licence; or

(ii) the next succeeding 1 January; and

(b) ending on 31 December next succeeding the commencing date.

(*Substituted by Act 22 of 1982, s.10.*)

(3) A dog licence shall not be transferable.

*Waiver of licence fee*

12.—(1) Subject to subsection (2), where the licensing officer for an area is satisfied that it is necessary for a person resident in that area to keep a dog and that payment of the prescribed fee would, by reason of the poverty of that person, cause him undue hardship, the officer shall make a report in writing to that effect to the Minister, who may, by notice in writing to that officer, direct that a dog licence and a registration label be issued to the person in respect of a male dog or a sterile bitch without payment of the prescribed fee.

(2) A person is not entitled to the issue of more than one concurrent licence in pursuance of this section.

(*Substituted by Act 22 of 1982, s.11.*)

*Collars and registration labels to be worn by licensed dogs*

13.—(1) The owner of a dog to whom a dog licence has been issued under the provisions of section 11 shall, at his own expense, cause such dog to wear at all reasonable times a collar on which shall be affixed the registration label issued with such licence.

(2) Any owner of a dog who fails to comply with the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20.

*Licences to be produced for examination*

14. Any person who having taken out a dog licence fails to produce and deliver such licence to be examined by an inspector or police officer within a reasonable time of being requested so to do by such inspector or officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20.

*Seizure of stray dogs*

15.—(1) Where any person has reason to believe that any dog is a stray dog or where any person finds at large, at any time of the day or night—

(a) any dog, not wearing a collar, which is not in charge of any person who has control over it; or

(b) any dog, whether wearing a collar or not, which is suffering from disease or neglect,

he may seize such dog and cause it to be handed over to the licensing officer, or a licensing authority, for an area that includes the place at which the dog was seized.

(*Amended by Act 22 of 1982, s.12.*)

(2) Where any dog which has been seized under the provisions of this Act has been detained for 12 hours of daylight after the seizure and the owner has not claimed it and paid the prescribed charges for the period during which the dog has been detained, and any further expenses for transport which may have been incurred, the licensing officer by whom, or the licensing authority by which, it is being detained may cause it to be sold or to be destroyed in such a manner as to cause as little pain as possible. (*Amended by Act 22 of 1982, s.12.*)

[(3) \* \* \* \* \* (*Deleted by Act 22 of 1982, s.12.*)]

*Moneys received under Act*

15A.—(1) All moneys received under this Act by a licensing officer shall be paid into the Consolidated Fund.

(2) All moneys received under this Act by a licensing authority shall, subject to the limitations and conditions (if any) applicable to that authority under subsection (2) of section 2A, be paid into the funds of that authority.

(*Inserted by Act 22 of 1982, s.13.*)

*Regulations*

16. The Minister may make regulations for the carrying out of the purposes and provisions of this Act and, in particular, for any of the following purposes:—

(a) prescribing forms of licences, fees payable therefor and any other charges leviable under the provisions of this Act; and

[(b) \* \* \* \* \*]

(c) the use of poison or any other means for the destruction of dogs.

(*Amended by Legal Notice 112 of 1970; Act 22 of 1982, s.14.*)

*Controlled by Ministry of Primary Industries*

CHAPTER 168

DOGS

SECTION 2A—DOGS (LICENSING AUTHORITIES) ORDER

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1. Short title
2. Commencement
3. Declaration of licensing authority
4. Conditions applicable to licensing authorities

*Legal Notice No. 3 of 1983*

*Short title*

1. This Order may be cited as the Dogs (Licensing Authorities) Order.

*Commencement*

2. This Order shall be deemed to have come into operation on 3 January 1983.

*Declaration of licensing authority*

3. The Society for the Prevention of Cruelty to Animals is hereby declared to be a licensing authority for the purposes of the Act in respect of the area comprising—

- (a) the whole of the Tikina of Suva;
- (b) so much of the Tikina of Rewa as lies to the west of the Rewa River; and
- (c) so much of the Tikina of Naitasiri as lies to the south of the Waimanu River, except the portion of that Tikina that comprises part of the Town of Nausori,

including, in particular, the whole of the City of Suva and the whole of the Town of Lami.

*Conditions applicable to licensing authorities*

4. A licensing authority shall comply with the following conditions:—
  - (a) the authority shall, not later than 14 days after the end of each month, cause to be delivered to the Permanent Secretary for Primary Industries a return specifying in relation to each licence issued by the authority during that month—
    - (i) the number of the licence;
    - (ii) the date on which the licence was issued;
    - (iii) the name and address of the person to whom the licence was issued;

- (iv) whether the licence was issued in respect of a male dog, a sterile bitch or a bitch that is not sterile;
- (v) the fee charged for the issue of the licence;
- (b) the authority shall cause each return to in item (a) to be accompanied by an amount equal to 5% of the total amount of the licence fees referred to in the return.

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## SECTION 16—DOGS REGULATIONS

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#### REGULATION

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First Schedule—Licence for a Dog  
Second Schedule—Fees and Charges

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*Legal Notices Nos. 36 of 1969, 134 of 1982*

#### *Short title*

1. These Regulations may be cited as the Dogs Regulations.

#### *Interpretation*

2. In these Regulations, unless the context otherwise requires—
  - “authorised person” means a person who is, for the time being, authorised in writing by a responsible authority to lay poisons for the destruction of dogs;
  - “Permanent Secretary” means the Permanent Secretary for Primary Industries;
  - “responsible authority” means—
    - (a) the Permanent Secretary; and
    - (b) a person for the time being authorised in writing by the Permanent Secretary to perform the functions of a responsible authority under these Regulations.

*(Amended by Legal Notice 134 of 1982.)*

*Forms*

3. The forms set out in the First Schedule shall be the forms to be used for the purposes of the Act.

*Fees and charges*

4. The fees and charges set out in the Second Schedule shall be charged in respect of the several matters specified in such Schedule.

[5. \* \* \* \* \* (Revoked by Legal Notice 134 of 1982.)]

[6. \* \* \* \* \* (Revoked by Legal Notice 134 of 1982.)]

*Control of use of poisons*

7. The Permanent Secretary shall have control of all measures taken for the destruction of dogs by poison.

(Amended by Legal Notice 134 of 1982.)

*Poisoned baits*

8.—(1) Poisons shall only be laid by authorised persons in the form of poisoned baits and any person who lays poisons otherwise than in accordance with the provisions of this paragraph, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100. (Amended by Legal Notice 134 of 1982.)

(2) No poisoned bait shall be laid for the purpose of poisoning dogs except between the hours of 8 p.m. on any one day and 5 a.m. on the following day.

(3) No poisoned bait shall be laid within a distance of 25 yards from the outside walls of any building used exclusively as a dwelling house.

(4) Every authorised person shall count and record the total number of poisoned baits in his possession immediately prior to every occasion upon which such baits shall be laid.

(5) All poisoned baits which shall not have been consumed before 5 a.m. on the morning following the laying thereof, shall be collected by the authorised person who laid them and shall be preserved in the manner provided for in regulation 9 or shall be disposed of in such a manner as the Permanent Secretary may direct. (Amended by Legal Notice 134 of 1982.)

(6) The Permanent Secretary shall cause notice of any proposal for a poisoning campaign under this regulation to be given to the Commissioner of Police not later than 7 days before the intended date of the commencement of the campaign. (Inserted by Legal Notice 134 of 1982.)

(7) The Permanent Secretary shall cause to be given to the Commissioner of Police, not later than 7 days after the conclusion of a poisoning campaign under this regulation, a report setting out, in relation to that campaign, the total number of poisoned baits prepared and, as far as is practicable, the movement and final disposal of each such bait. (Inserted by Legal Notice 134 of 1982.)

*Preservation of baits*

9.—(1) Every poisoned bait shall be kept in a locked container clearly marked in red so as to indicate that such container contains poisoned baits for the destruction of dogs.

(2) The Permanent Secretary shall cause to be kept a register showing the total number of poisoned baits prepared, after the commencement of this

paragraph, for the purposes of these Regulations and, as far as is practicable, the movement and final disposal of each such bait. (*Substituted by Legal Notice 134 of 1982.*)

*Disposal of carcasses*

10. The carcasses of all dogs poisoned in accordance with these Regulations shall be collected as soon as possible after the death of such dogs and shall be burnt and buried forthwith.

[11. \* \* \* \* \* (*Revoked by Legal Notice 134 of 1982.*)]

FIRST SCHEDULE

(*Regulation 3*)

(*Substituted by Legal Notice 134 of 1982.*)

LICENCE FOR A DOG

STATION:

NO.

of

is authorised to keep one \*dog/sterile bitch/bitch for the period up to December 31, 19 .

FEE PAID: \$

[*Date*] Licensing Officer [*or* Licensing Authority]

\*Delete as appropriate

SECOND SCHEDULE

(*Regulation 4*)

(*Substituted by Legal Notice 134 of 1982.*)

FEES AND CHARGES

1. Fee for the issue, in relation to a period commencing before 1 July in a year, of a dog licence—	\$
(a) in respect of a bitch that is not sterile .....	10.00
(b) in respect of a male dog or a sterile bitch .....	5.00
2. Fee for the issue, in relation to a period commencing on or after 1 July in a year, of a dog licence—	
(a) in respect of a bitch that is not sterile .....	5.00
(b) in respect of a male dog or a sterile bitch .....	2.50
3. Detention charges under sub-section (2) of section 15 of the Act per day or part thereof .....	2.00

*Controlled by Ministry of Primary Industries*