

Dog Registration and Control Ordinance 1955

SAMOA

DOG REGISTRATION AND CONTROL ORDINANCE 1955

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DOG REGISTRATION AND CONTROL ORDINANCE 1955

1955 No.11

AN ORDINANCE to make provision for the registration of dogs and to consolidate certain Ordinances relating to the control of dogs.

[Assent date: 7 December 1955]

[Commencement date: 1 January 1956]

PART 1 PRELIMINARY

1. Short title and commencement – (1) This Ordinance may be cited as the Dog Registration and Control Ordinance 1955.

(2) This Ordinance comes into force on 1 January 1956.

2. Interpretation – In this Ordinance, unless the context otherwise requires:

“Apia” means the area within the radius of 2 miles from the intersection of Vaitele and Vaea Streets;

“dog” means any dog whether male or female not less than 6 months old;

“owner” means the keeper of a dog or the occupier of any building where any dog is ordinarily kept or permitted to live or remain or any person who harbours a dog;

“registration area” means the area of Apia and any village area declared pursuant to this Ordinance to be a registration area;

“Registering Officer” means, in Apia, the Commissioner of Police, and in all other registration areas any other officer appointed by the Head of State to register dogs under this Ordinance.

PART IA REGISTRATION

3. Commencement of Part IA - This Part comes into operation at such time and in such district or districts or part or parts of a district as the Head of State may by notice published in the Samoa Gazette direct. The Head of State may by notice suspend the operation of this Part in any district or districts or part or parts of a district to which it has previously been applied.

4. Dogs to be registered – A person who keeps any dog without causing such a dog to be registered and such registration to be renewed from year to year in the manner hereinafter provided is liable on conviction to a fine not exceeding 1 penalty unit for each such dog over and above the amount of any fee payable in respect of the registration of any such dog: **PROVIDED THAT** no prosecution shall be instituted against the owner of the dog and for non-registration thereof within the month of January in any year.

5. Mode of registration and fee, etc. – (1) The registration of a dog shall be effected by the owner of the dog, or some other person on the owner’s behalf, applying to the Registering Officer for its registration.

(2) The owner or other person shall pay to the Registering Officer for such registration the sum of 50 sene in respect of a male dog and \$1 in respect of a female dog and no registration shall be recorded until such payment is made.

(3) The Registering Officer shall enter in a book the name of the owner, his or her permanent address and a serial number together with the description, the colour and sex of the dog.

(4) A registration is taken to be in force until 31 December of the year in respect of which each registration is effected and the registration shall be made in like manner from year to year.

6. Registration to extend over Samoa – A registration made under this Ordinance is in force throughout Samoa and the owner of the registered dog may remove the dog to any other district than the district wherein such dog is registered without payment of any fee.

7. Change of ownership – Where the ownership of a dog is changed, the registration of such dog continues and the name of the new owner of that dog shall upon application by the new owner and upon production by the new owner of the receipt issued under section 10 be entered in the registered book in substitution for the name of the previous owner without payment of any fee and thereupon for the purposes of this Ordinance the new owner takes the place of the previous owner and the Registering Officer shall endorse the name of the new owner on the receipt.

8. Liability of owner failing to produce registration receipt – The owner of a dog shall on demand produce to any Registering Officer or to any member of the Police the receipt provided for under section 11 and if any such owner refuses or fails to produce such receipt the owner shall in any proceedings under this Ordinance be deemed to be the owner of an unregistered dog unless the owner can prove the registration and can account to the satisfaction of the Supreme Court for the non-production of the receipt.

9. Proof of registration, etc., to be on owner – In any proceedings under this Ordinance, the proof of due registration or that a dog is under the age of 6 months or has not been kept for a period of 14 days by the owner shall in each case be on the defendant:

PROVIDED THAT the production of the receipt is *prima facie* evidence of registration.

10. Copies of register book to be exhibited – Copies of the registered books of the several Registering Officers shall be affixed by the Officer to some conspicuous place in his or her office and in any other place or places that the Officer may deem expedient in his or her district.

11. Collars with badges – (1) There shall be kept by a Registering Officer a supply of dog collars having badges of the kind as the Commissioner of Police shall determine affixed on stamped with the serial number mentioned in section 5 and marked with the name of the registration area and the year for which the same are issued.

(2) A person is entitled to receive a collar in respect of each dog that the person registers on payment by him or her of the fixed price thereof in addition to the registration fee.

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

12. Penalty for dog not wearing badge – A person allowing his or her dog to be at large not wearing a badge for the then current year is liable on conviction to a fine not exceeding 1 penalty unit.

13. Power to seize dogs – A dog running at large and not wearing a badge of the current year is liable to be seized by any person who has been duly authorised in that behalf by the Commissioner of Police.

14. Disposal of dogs seized – A dog seized under section 13 shall be detained in a pound or where no pound is provided in any place appointed in that behalf by the Registering Officer of the district in which the dog has been seized.

15. Notice to owner – Where the owner of a dog so seized is known notice of the seizure shall immediately be given to the owner.

16. Power to sell or destroy dogs – Where a dog so seized has been detained for 4 clear days without the owner claiming it and paying 10 sene per day as poundage fees and any expenses for transport as may have been incurred, the Registering Officer of the district in which the dog was seized may cause it to be sold or destroyed; 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.

17. Certain dogs to be summarily destroyed – If after due enquiry has been made by him or her it shall be proved to the satisfaction of any member of the Police who has been duly authorised in that behalf by the Commissioner of Police to carry out the provisions of this section that any dog so seized is liable to registration under this Ordinance and has not been registered, sections 14, 15 and 16 do not to apply and any the dog may be summarily destroyed by any members of the Police and no action lies against any member of the Police acting in good faith when carrying out the powers conferred upon him or her by this section.

18. Using counterfeit badges – A person who falsely makes or counterfeits, or knowing the same to be false or counterfeit, purchases, uses or has in his or her possession any badge resembling or apparently intended to resemble or pass for a metal badge supplied at any registration office under this Ordinance is for every offence liable to a fine not exceeding 1 penalty unit.

19. Using obsolete badges – A person who after 1 February in every year has in his or her following or keep any dog wearing a badge issued in any previous year, which dog has not been registered for the then current year, is liable to a fine not exceeding 1 penalty unit.

20. Using badge fraudulently – A person who has in his or her following or keep a dog wearing a badge issued in respect of another dog is liable to a fine not exceeding 1 penalty unit.

21. Removing badge – A person who wilfully and maliciously removes from the neck of any dog the badge of registration required by this Ordinance to be worn by the dog is liable for every such offence to a fine not exceeding 1 penalty unit, and, if any dog is destroyed under section 16 in consequence of the removal of such badge, shall pay to its owner the full value of the dog so destroyed.

PART II CONTROL OF DOGS

22. Diseased and neglected dogs – (1) In Apia if a dog, in the opinion of the Director of Health, ought to be destroyed by reason of its suffering from any disease or from malnutrition or neglect, a notice signed by the Director of Health or by such other officer as may be authorised in that behalf by the Director of Health may be served on the owner directing him to destroy the dog.

(2) In an area outside Apia if a dog, in the opinion of the Director of Health or a Medical Practitioner, ought to be destroyed by reason of it suffering from any disease or from malnutrition or neglect, a notice signed by the Director of Health or a Medical Practitioner or by any other officer as may be authorised in that behalf by the Director of Health may be served on the owner directing him or her to destroy the dog.

(3) An owner who fails to comply with any such notice is liable to a fine not exceeding 1 penalty unit for every day during which the failure continues.

23. Diseased dogs at large – (1) A person who permits any diseased dog to be at large is liable to a fine not exceeding 1 penalty unit, and the Court may order such dog to be immediately destroyed.

(2) A member of the Police who has been duly authorised in that behalf by the Commissioner of Police may forthwith destroy or cause to be destroyed any dog so ordered to be destroyed.

24. Bitches on heat – A person who permits a female dog belonging to the person or under the person’s control to be at large in any public place while on heat commits an offence and is liable to a fine not exceeding 1 penalty unit.

25. Dangerous dogs may be destroyed – (1) If it is proved to the Court that a dog, whether at large or not is dangerous and not kept under proper control, the Court may make an order directing the dog either to be kept by the owner under proper control or to be destroyed.

(2) A person who fails to comply with such order is liable to a fine not exceeding 1 penalty unit for every day during which the failure continues.

26. Dogs attacking persons, etc. – (1) If a dog, on any highway or any unenclosed space, rushes at, attacks or startles any person, or any horse, cattle, or other animal, whereby the life or limb of any person is endangered, or any property is injured or endangered the owner of the dog is liable to a fine not exceeding 1 penalty unit for every such offence, over and above the amount of any damage occasioned by the dog.

(2) The Court may in its absolute discretion order the dog to be immediately destroyed.

27. Dogs seen attacking persons, etc. – A person who sees a dog, being at large, biting or attacking a person or a horse, or who is himself bitten or attacked by the dog may destroy the same without being answerable for any damage occasioned thereby.

28. Dogs running at large among cattle – The owner or the agent of the owner of a cattle or a servant or person employed by the owner or agent, may destroy any dog running at large amongst the cattle.

29. No liability where dog wounded in attempt to destroy – No person who, with the intention of destroying a dog under the powers conferred by this Ordinance, wounds or maims the dog shall, except in a case in which the person causes unnecessary suffering to the dog, be under any liability, whether criminal or civil, for any injury done to the dog.

PART III MISCELLANEOUS

30. Regulations – (1) The Head of State, acting on the advice of Cabinet, may by notice published in the Samoa Gazette make regulations necessary or expedient to give full effect to the provisions of this Ordinance or to provide for the humane destruction of dogs.

(2) Regulations shall be laid before the Legislative Assembly within 28 days after the date of the making thereof if the Assembly is then in session and, if not, shall be laid before the Assembly within 28 days after the commencement of the next ensuing session.

31. Repeal and savings – (1) The enactments specified in the Schedule to this Ordinance are repealed to the extent indicated therein.

(2) All orders, regulations, appointments, notices, instruments, and generally all acts of authority which originated under the enactments hereby repealed and are subsisting and in force at the commencement of this Ordinance shall ensure for the purposes of this Ordinance as fully and effectually as if they had originated under the corresponding provisions of this Ordinance and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under any such enactment and pending or in progress at the commencement of this Ordinance, may be continued, completed and enforced under this Ordinance.

SCHEDULES

(Section 31(1))

ORDINANCE

| | | |
|--------------|--|--------------------------------|
| 1923 - No.1: | The Dog Registration Ordinance | Extent of Repeal |
| 1929 - No.8: | | Whole Ordinance |
| 1931 - No.3: | The Police Offences and other Ordinance Amendment 1929 | Section 6 Section 3 (l),(x) |
| 1937 - No.4 | The General Laws Ordinance 1931 | Whole Ordinance |
| | The Dog Registration Amendment Ordinance 1937 | |

REVISION NOTES 2008 – 2012

This Act has been revised under section 5 of the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

(a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.

(b) Insertion of the commencement date

(c) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

(i) “Every” and “any” changed to “a” or “each” where appropriate

(ii) “shall be” and “has been” changed to “is” and “shall be deemed” changed to “is taken”

(iii) “shall have” changed to “has”

(iv) “pursuant to” or “in accordance with the provisions of” changed to “under”

(v) Numbers in words changed to figures

(vi) “hereby” and “from time to time” (or “at any time”) removed

(vii) “under the hand of” changed to “signed by”

(viii) Part I changed to Part 1A and Part I (Preliminary) inserted

There were no amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

This Act has been revised in 2008, 2009, 2010, 2011 and 2012 by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is the official version of this Act as at 31 December 2012. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.

Aumua Ming Leung Wai
Attorney General of Samoa

Revised in 2008 by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

Revised in 2009, 2010 and 2011 by the Legislative Drafting Division under the supervision of Papalii Malietau Malietoa (Parliamentary Counsel).

Revised in 2012 by the Legislative Drafting Division.

The Dogs Registration and Control Ordinance 1955 is administered by the Ministry of Police, Prison and Fire Service.