

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

Legislative Council,  
7th July, 1880.

*Hon. Mr. Whitaker.*

## DOG REGISTRATION.

### ANALYSIS.

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### A BILL INTITLED

AN ACT to compel 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. The Short Title of this Act is "The Dog Registration Act, 1880." Short Title.  
It shall not come into force until the *first* day of *January*, in the year one thousand eight hundred and *eighty-one*.

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

For the purposes of this Act, and in reference to the districts mentioned in the first column of the *First* Schedule hereto, "local authority" and "District Fund" mean the bodies mentioned in the second column and the fund mentioned in the third column of the said Schedule:

"County" means a county wherein the whole of "The Counties Act, 1876," is in operation:

"Borough" includes every city, town, or borough incorporated under any enactment of the General Assembly or of any Provincial Legislature:

15 "Road district" means any road or highway district outside of a county as herein defined, and for the time being subject to the jurisdiction of any Road Board as herein defined:

“Road Board” means the Board, Trustees, or other persons intrusted by any enactment with the control and management of roads or highways :  
 “Road” or “highway” includes any street or any place of public resort :  
 “Owner of a dog” means the occupier of any house or premises where any dog is ordinarily kept or permitted to live or remain, and includes the keeper of a dog, or the person in whose care such dog may temporarily be, whether loose or confined, or who may harbour any dog.

Parts of colony may be excluded from operation of Act.

3. The Governor may, by Proclamation, exclude any portion of the colony from the operation of this Act, and may similarly extend such operation to any part thereof formerly excluded therefrom ; and may declare the time at which such operation shall take effect within the area to be so notified, and thereupon the Act shall take effect accordingly.

#### REGISTRATION.

Dogs to be registered.

4. Any person who shall keep any dog within the colony 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 penalty 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.

Owner of dog exempted to pay register, &c.

5. The owner of every dog exempted from charge for registration under the provisions of any Act, shall nevertheless cause every such dog to be registered, and such registration to be renewed every year, in the same manner and subject to the same penalty in case of default as if such dog were not exempted, but no charge shall be made for such registration.

Registrars and registration offices.

6. 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 by this Act required ; and shall fix the amount of salary or remuneration of such Registrars.

Collars with labels to be kept at offices.

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

Any person shall be entitled to receive a collar in respect of each dog that he registers. Duplicate collars shall be issued on payment of the original cost thereof, on affirmation that the original has been lost or stolen.

(2.) The name and residence of all persons who shall procure such collars shall be entered in a register-book to be kept, in the form in the *Second Schedule* hereto, at each registration office for that purpose, and opposite the name shall be registered the number on the collars respectively purchased by such persons, and a description of any dogs to which such collars are to be affixed ; and such register-book may be examined by any person within office hours on payment of a fee of sixpence.

Mode of registering dogs.

7. Every registration of a dog shall be made by the owner thereof, or 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.

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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.

5 If any person shall wilfully insert or omit, or wilfully cause or permit to be inserted or omitted, in any such description, any matter or thing whatsoever contrary to or for the purpose of concealing the truth, he shall be liable to a penalty not exceeding five pounds.

8. Every such registration shall be deemed to be in force from the day upon which the same shall be made until the first day of January then next 10 ensuing, and no longer; and such registration shall be again made in like manner from year to year.

Registration to be renewed yearly.

9. Except as herein provided, the fee to be paid for the registration of every dog throughout the colony shall be the sum of ten shillings. And 15 until such amount shall have been paid, no such registration shall be deemed to have been duly made.

Registration fees to be paid at time of registration.

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

10. Every registration made under this Act shall be in force throughout the 20 colony, 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.

Registration to extend over whole colony.

11. 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 25 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.

Change of ownership.

12. In any proceedings under this Act the proof of due registration, or 30 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.

Onus of proof on owner of dog.

13. Dogs without collars having the proper registration-labels thereon shall *prima facie* be deemed to be unregistered, and any person or his agent upon 35 whose land such dog may be found, or any person duly authorized by the local authority, may destroy any such dog.

Dogs not registered may be destroyed.

INJURIES BY DOGS.

14. Any Court of summary jurisdiction may take cognizance of a complaint 40 that a dog, whether at large or not, is dangerous and not kept under proper control; and, if it appears to the Court having cognizance of such complaint that such dog is dangerous, the Court may make an order in a summary way directing the dog to be kept by the owner under proper control, or destroyed; and any person failing to comply with such order shall be liable to a penalty not exceeding twenty shillings for every day during which he fails to comply with 45 such order.

Dangerous dogs may be destroyed.

15. Any person who shall permit any dog which shall be known to be 50 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 will admit of the animal breathing and drinking without obstruction, shall for every such offence be liable to a penalty not exceeding forty shillings; and any such dog so at large may be forthwith seized and killed by any constable.

Penalty for allowing dangerous dogs to be at large unmuzzled.

Penalty on owners of dogs attacking persons or frightening horses.

16. If any dog shall, on any highway or any unenclosed place, rush at, attack, or startle any person or any horse, cattle, or other animal, whereby the life or limbs of any person shall be endangered, or any property be injured or endangered, such dog shall be liable to be immediately killed; and the owner or keeper of every such dog shall, on conviction, forfeit and pay a penalty or sum of not more than *five* pounds for every such offence, over and above the amount of any damage which such dog may have occasioned. 5

Any person may kill a dog when seen attacking persons, sheep, &c.

17. Any person who shall see a dog, being at large, biting or attacking any person, or any horse, sheep, or cattle, or who shall himself be bitten or attacked by such dog, may destroy the same, without being answerable for damage occasioned thereby. 10

Dogs running at large amongst sheep may be destroyed.

18. 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.

Mischievous propensity in dog need not be proved.

19. 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. 15

#### OFFENCES.

Penalty for using counterfeit labels.

20. If any person shall falsely make or counterfeit, or, knowing the same to be false or counterfeit, purchase, use, or have 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, every such person shall, for every such offence, be liable to a penalty not exceeding *twenty* pounds. 25

Penalty for using obsolete labels.

21. If any person shall, after the *first* day of January in every year, have in his following or keep any dog wearing a label issued in any previous year, which dog shall not have been registered for the then current year, such person shall be liable to a penalty not exceeding *five* pounds.

And if any person shall have in his following or keep any dog wearing a label issued in respect of another dog, such person shall be liable to a penalty of not exceeding *ten* pounds. 30

Penalty for removing registration label.

22. If any person shall wilfully or maliciously remove from the neck of any dog the collar required by this Act to be worn by such dog, or shall so remove the metal label of registration affixed to any collar worn by such dog, such person shall for every such offence be liable to a penalty not exceeding *ten* pounds, and also shall forfeit and pay to the owner of any dog that may have been destroyed under the provisions of this Act, and in consequence of the removal of such collar or label, the full value of the dog so destroyed. 35

#### MISCELLANEOUS.

Recovery of penalties.

23. All penalties and sums of money incurred or payable under this Act shall be recoverable in a summary manner. 40

Fees, fines, &c., to be paid to District Fund; half penalty to informers.

24. All fees, fines, and penalties received under this Act shall be paid by the person receiving the same into the District Fund: Provided, however, that one moiety of every fine or penalty imposed under this Act may, if the convicting Justices so direct, be paid to the person or persons who shall sue for the same, or who shall give such information as may lead to conviction. 45

Act administered at expense of District Fund.

25. All the expenses incident to the administration of this Act shall be paid out of the District Fund.

26. Nothing in this Act contained shall derogate from the provisions of any Act relating to rabbit nuisance not affected.  
 Act for the time being in force in relation to the rabbit nuisance.

27. The several enactments enumerated in the *Third* Schedule to this Act are hereby repealed.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

District of Local Authority.	Description of Local Authority.	District Fund.
Boroughs as herein defined. Counties as herein defined. Road districts outside of the aforesaid counties.	Borough Council. County Council. Road Board.	Borough Fund. County Fund. Road District Fund.
Places in the colony not included in the above description.	The Governor.	The Consolidated Fund.

SECOND SCHEDULE.  
FORM OF REGISTER-BOOK.

Name.	Residence.	Number of Collars purchased.	Description or kind of Dog to wear the Collars.	Sex.	Age.	Colour or peculiar Marks.

THIRD SCHEDULE.

ACTS AND ORDINANCES REPEALED.

- (1.) *Ordinance of the Governor and Legislative Council of New Zealand.*  
 Sess. III., 1844, No. 19.—An Ordinance to provide a Summary Mode of abating the Nuisance of Dogs wandering at large in Towns.
- (2.) *Ordinance of the Lieutenant-Governor and Legislative Council of New Munster.*  
 1849, No. 11.—An Ordinance to abate the Dog Nuisance.
- (3.) *Act of the General Assembly.*  
 1865, No. 21.—The Injuries by Dogs Act, 1865.
- (4.) *Acts of the Province of Auckland.*  
 Sess. I., 1854, No. 4.—An Act to abate the Nuisance caused by Dogs.  
 Sess. XXIX., No. 28.—The Highways Act, 1874. In part—namely, section 82.
- (5.) *Ordinances of the Province of Taranaki.*  
 Sess. XXI., No. 7.—The Dog Nuisance Ordinance, 1872.  
 Sess. XXIII., No. 6.—The Dog Nuisance Ordinance 1872 Amendment Ordinance, 1874.

(6.) *Act of the Province of Hawke's Bay.*

Sess. XVIII., No. 5.—The Dog Nuisance Act, 1871.

(7.) *Act of the Province of Wellington.*

Sess. X., 1863, No. 12.—The Dog Nuisance Act.

(8.) *Acts of the Province of Nelson.*

Sess. X., No. 5.—The Dog Nuisance Act, 1863.

Sess. XXV., No. 9.—The Dog Nuisance Act Amendment Act, 1874.

(9.) *Acts of the Province of Marlborough.*

Sess. VII., No. 6.—The Dog Nuisance Abatement Act, 1863.

Sess. XIX., No. 1.—The Dog Nuisance Abatement Act Amendment Act, 1869.

(10.) *Ordinances of the Province of Canterbury.*

1861.—The Dog Nuisance Ordinance, Sess. XVII., No. 3.

Sess. XIX., No. 4.—The Dog Nuisance Amendment Ordinance, 1862.

(11.) *Ordinances of the Province of Otago.*

Sess. XVI., No. 85.—The Dog Nuisance Ordinance, 1862.

Sess. XXXIV., No. 485.—The Dog Nuisance Ordinance 1862 Amendment Ordinance, 1875.

Sess. XXXIV., No. 486.—The Dog Nuisance Ordinance (Southland) Repeal Ordinance, 1875.

(12.) *Ordinance of the Province of Southland.*

Sess. XII., No. 67.—The Dog Ordinance, 1866.