



Customs Import Prohibition (Dangerous Breeds of Dogs) Order 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 14th day of April 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 54 of the Customs and Excise Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and being of the opinion that the prohibitions effected by this order are necessary in the public interest, makes the following order.

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Order

1 Title

This order is the Customs Import Prohibition (Dangerous Breeds of Dogs) Order 2003.

2 Commencement

This order comes into force on 28 April 2003.

3 Interpretation

(1) In this order, unless the context otherwise requires,—

dog of a dangerous breed means a dog of any of the following breeds or types:

- (a) American Pit Bull Terrier:
- (b) Brazilian Fila:
- (c) Dogo Argentino:
- (d) Japanese Tosa

evidence of registration in New Zealand means, in relation to a dog, evidence that satisfies the Customs that the dog is, or has previously been, registered in New Zealand under the Dog Control Act 1996 or a former Act that corresponds to that Act (for example, a label or disc issued for the current or a former registration year under any of sections 46 and 48 and 49 of the Dog Control Act 1996 and attached to a collar worn on the neck of the dog)

exempting statutory declaration, in relation to any dog, dog embryo, or dog semen,—

- (a) means a statutory declaration—
 - (i) that is made in New Zealand by or on behalf of the importer of the dog, embryo, or semen; and
 - (ii) that is to the effect that, to the best of the knowledge and belief of the importer or of the importer's agent, the dog is not a dog of a dangerous breed or, as the case requires, the dog embryo or dog semen is not an embryo or semen of a dog of a dangerous breed; and
 - (iii) that is accompanied by a veterinarian's certificate to the effect that, to the best of the veterinarian's knowledge and belief, the dog is not a dog of a dangerous breed or, as the case requires, the dog embryo or dog semen is not an embryo or semen of a dog of a dangerous breed; but
- (b) in no case includes a statutory declaration that would amount to perjury if made on oath in a judicial proceeding

New Zealand veterinarian means person for the time being registered as a veterinary surgeon under the Veterinarians Act 1994

veterinarian's certificate, in relation to any dog, dog embryo, or dog semen, that is imported or to be imported,—

- (a) means a certificate issued—
 - (i) in the country from which the dog, embryo, or semen is imported or to be imported; and
 - (ii) by a veterinarian registered in that country; and
 - (iii) before the arrival of the dog, embryo, or semen in New Zealand; and
 - (b) includes, if the dog, embryo, or semen is imported on or after 28 April 2003 but before 28 May 2003, a certificate issued—
 - (i) in New Zealand; and
 - (ii) by a New Zealand veterinarian; and
 - (iii) as soon as reasonably practicable after the arrival of the dog, embryo, or semen in New Zealand.
- (2) A dog is a dog of a dangerous breed for the purposes of this order if, and only if, a New Zealand veterinarian would recognise the dog as a dog of that breed because of the dog having features peculiar to that breed.
- (3) Subclause (2) applies even if the dog has ancestors of a breed other than the dangerous breed.

4 Importation of dogs of dangerous breeds prohibited

The importation of a dog is prohibited unless the dog is accompanied by—

- (a) evidence of registration in New Zealand; or
- (b) an exempting statutory declaration.

5 Dogs exempted from prohibition on importation

- (1) Nothing in clause 4 applies to any guide dog, hearing ear dog, or companion dog accompanying a blind or partially sighted person, a deaf or hearing impaired person, a person with any other disability, or a person genuinely engaged in training the guide dog, hearing ear dog, or companion dog.
- (2) Nothing in clause 4 applies to a dog kept by a specified authority while that dog is being used for the purpose of carrying out a function, duty, or power of the specified authority.
- (3) In subclause (2), **specified authority** means the New Zealand Police or a member of the police, the Customs, the Department of Conservation, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence or a member of the Defence Force, or an officer or employee

of the Customs, the Department of Conservation, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence.

6 Importation of embryos and semen of dogs of dangerous breeds prohibited

The importation of any dog embryo or dog semen is prohibited unless the embryo or semen is accompanied by an exempting statutory declaration.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 28 April 2003, prohibits the importation of—

- dogs of dangerous breeds; and
- embryos and semen of dogs of dangerous breeds.

Under section 54(5)(a) of the Customs and Excise Act 1996, this order expires on the close of 31 December 2003 except so far as it is expressly confirmed by Act of Parliament passed before that date. Even if confirmed completely in that way, under section 55 of that Act, this order expires on the close of 27 April 2006 unless it is sooner revoked or extended for a further period of up to 3 years.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 April 2003.

This order is administered in the New Zealand Customs Service.
