



ANALYSIS

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2000, No. 12

An Act to amend the Dogs Registration Act 1986

(16 August 2000)

BE IT ENACTED by the Parliament of the Cook Islands in session assembled and by the authority of the same as follows:

1. Short Title - This Act may be cited as the Dogs Registration Amendment Act 2000 and shall be read together with and deemed part of the Dogs Registration Act 1986 ("the principal Act").
2. Interpretation - Section 2 of the principal Act is amended by inserting in alphabetical order the following new definition -

"Society" means the Cook Islands Society for Prevention of Cruelty to Animals;"
3. Delegation of powers or functions by Registrar - The principal Act is amended by inserting after section 5A, the following new section -

"5B. Delegation of powers or functions by Registrar - (1) The Registrar may from time to time, either generally or particularly, delegate any of his powers or functions under this Act to any dog control officer or the Society.

(2) In any case where the Registrar has pursuant to subsection (1) of this section delegated any of his powers or functions, the dog control officer or the Society may, with the prior approval of the Registrar delegate such of those powers or functions as the Registrar approves, to any other person.

(3) Subject to any general or specific directions given by the Registrar, the persons to whom any powers or functions are so delegated may exercise those powers or functions in the same manner and with the same effect as if they had been conferred on him or her directly by this Act and not by delegation.

(4) Where any powers or functions are delegated to any person under this section, that person may seek the assistance of any constable or dog control officer in enforcing any of the provisions of the Act that apply to that person's delegated power or function.

(5) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(6) Every such delegation shall be revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Registrar."

4. Impounding - The principal Act is amended by inserting the following new Part

"PART IV

IMPOUNDING

24. Provision of pound facilities - The Registrar shall make such provision as is necessary for the proper custody, care, and exercise of dogs impounded, seized, or committed to his custody or the custody of a dog control officer, dog ranger or constable under this Act, and for that purpose shall -

- (a) establish, maintain and operate a dog pound;
- (b) enter into an agreement with any person, upon such terms and conditions as he thinks fit, for that person to provide proper custody, care and exercise for such dogs.

25. Pound fees - The Queen's Representative by Order in Executive Council may from time to time set reasonable poundage fees and reasonable fees for the following matters -

- (a) the seizure of dogs by dog control officers, dog rangers or constables under this Act;
- (b) the sustenance of any dog impounded under this Act;
- (c) the destruction of any dog impounded under this Act.

(2) Any fee paid under this section shall, if so required by the Registrar, be paid before the dog is released from the pound.

(3) Any fee paid under this section shall, without further appropriation than this section, be used for the purpose of maintaining the pound facilities.

26. Impounding and subsequent disposal of dog - (1) Except as provided in subsection (7) of this section, where any dog control officer or constable is given custody of any dog under this Act, that dog shall be impounded until it is disposed of in accordance with this Act.

(2) As soon as practicable after any dog has been impounded, the Registrar shall, in the case of a dog wearing a current registration disc or where the owner of the dog is known through some other means, notify the owner that the dog has been impounded and that unless the dog is claimed and any fee paid within 7 days of the receipt of that notice, it may be sold, destroyed, or otherwise disposed of in such manner as may be determined by the Registrar with the concurrence of the Dog Control Committee; and after the expiry of that period, the Registrar may so dispose of the dog.

(3) Where the owner of the dog is not known and cannot be identified from the dog registration disc, the Registrar may, after the expiration of 5 days after the date of seizure of the dog, sell, destroy or otherwise dispose of the dog in such manner as may be determined by the Registrar with the concurrence of the Dog Control Committee.

(4) The proceeds of the sale of any dog under subsection (2) or subsection (3) of this section, shall be offset against any fees payable under this Part of this Act and any surplus proceeds on the sale shall not be refunded to the former owner of the dog.

(5) The Registrar shall maintain a record of each dog impounded by it and the method of disposal of that dog.

(6) The sale, destruction, or other disposal of a dog under this section shall not relieve the former owner of the dog of the liability for the payment of any fees payable under this Part of this Act.

(7) Nothing in subsection (1) to (3) of this section shall apply in any case where a dog control officer or constable seizes or is given custody of a dog pursuant to an order of the Court that the dog be destroyed."

5. Notification of destruction of dog to be given to Society - The principal Act is amended by inserting after section 28, the following new section -

"28A. Notification of destruction of dog to be given to Society - (1) Where any person, including a constable or dog control officer, has destroyed or killed any dog, that person shall notify the Society within 24 hours of destroying or killing the dog and shall surrender the carcass to the Society.

(2) Any person who fails to notify the Society or surrender a carcass pursuant to subsection (1) of this section commits an offence and shall be liable on conviction to a fine not exceeding \$500."

6. Limitation of liability for damage - Section 29 of the principal Act is amended by inserting after the word "Registrar" and before the word "or" the words "or any person to whom the Registrar has delegated any of his powers or functions under section 5B of this Act,".

This Act shall be administered by the Ministry of Police