

[Legal Notice 120]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE
DOG CONTROL ORDINANCE 2006**

AN ORDINANCE to provide for the control and licensing of dogs

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

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**THE PROVINCIAL GOVERNMENT ACT 1997
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THE MAKIRA ULAWA PROVINCE DOG CONTROL ORDINANCE 2006

PART I - PRELIMINARY

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Dog Control Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

In this Ordinance, except where the context otherwise requires, words have the following meanings -

“infringement offence” means an offence for which the penalties and procedures are prescribed under the Penalties For Offences Ordinance, and reference to a “category” of infringement offence means the categories set out in the Schedule to that Ordinance;

the “owner” in relation to any dog means the keeper of that dog, and includes the occupier of any premises in which the dog is ordinarily kept or permitted to live or remain, any person in whose care the dog may temporarily be, or any person who harbours the dog, and “owns” or “owned” have a similar meaning;

“Penalties For Offences Ordinance” means the Makira Ulawa Province Penalties For Offences Ordinance 2006 or its successors;

“Police” means Royal Solomon Islands Police;

“Provincial Government” means Makira Ulawa Provincial Government, and includes any person authorised to carry out the specific function on behalf of the Provincial Government;

“protected species” includes any wildlife, fish, plant, or other species that is protected by any national or provincial laws;

“public place” means any public place as defined in or under the Makira Province Public Nuisance Ordinance 1986 or its successors;

“Village Peace Council” means a Village Peace Council established under the Makira Ulawa Province Peace Councils Ordinance 2006 or its successors;

“Village Peace Warden” means a Village Peace Warden appointed to a Village Peace Council;

“Ward Development Authority” means a Ward Development Authority established under the Makira Ulawa Province Ward Development Authorities Ordinance 2006 or its successors.

PART II - DOG CONTROL

3. Dog licence

- (1) Any person who owns or keeps any dog over the age of six (6) months, within the authority of Makira Ulawa Provincial Assembly, must:
 - a) Apply to the Provincial Government for a licence in his own name in respect of that dog;
 - b) Provide the Provincial Government with the information required to maintain the register specified in **section 5**;
 - c) Comply with the duties of dog owners specified in **section 4**.
- (2) The Provincial Government may issue a licence to any owner if it is satisfied that the owner:
 - a) Has provided the required information; and
 - b) Intends to comply with the duties of dog owners; and
 - c) Has paid the appropriate fee prescribed under this Ordinance.
- (3) Any person who lawfully acquires a licensed dog may apply to have the licence transferred into his name and, if that owner fulfils all the requirements under this Ordinance of a person who owns or keeps a dog and pays the prescribed fee, the Provincial Government may transfer the licence.
- (4) The Provincial Government may issue a duplicate of any existing valid licence of any owner who applies and pays the appropriate prescribed fee.
- (5) Every licence issued under this Ordinance shall remain valid until the 31st of March and shall then cease to be valid.
- (6) Where any person acquires a dog on or after 1 October in any year, the licence free for that dog for that year shall be half the annual licence fee.
- (7) If any owner, or member of the owner’s household, habitually contravenes this Ordinance the Provincial Government may revoke the licence of the owner (which includes the revocation of any duplicate licence) or decline to issue a licence to the owner or any member of his household.
- (8) Where any breach of this section is alleged, all dogs shall be presumed to be over the age of six (6) months unless the owner can prove the contrary.

3. Duty to control dogs

Any person who owns or keeps a dog within the authority of Makira Ulawa Provincial Assembly must exercise care and control over the dog so that the dog does not:

- a) Stray or cause any damage or nuisance, including fouling or scavenging for food, in any public place or on any land where the person does not have permission of the land owner to take the dog;
- b) attack or threaten any person or domestic animal in any public place or on any land where the person does not have permission of the land owner to take the dog;
- c) Attack, threaten, or damage any protected species;
- d) Attack or threaten any person who lawfully enters the place where the dog is;
- e) Become so unhealthy or dangerous as to pose a risk to the dog, to any domestic animal or protected species, or to any person;
- f) Behave in any other way as to be considered a nuisance, a threat, or a danger by the Police or Provincial Government.

5. Dog Register

- (1) The Provincial Government must maintain a register of:
 - a) All licences issued under this Ordinance;
 - b) All transfers of licence;
 - c) The names and addresses of all owners;
 - d) The description of the dogs the owners have obtained licences for;
 - e) Any contraventions of this Ordinance by the owner or members of the owner's household.
- (2) The Provincial Government may publicise the register to assist in dog control.

6. Delegation of authority to Ward Development Authorities

Ward Development Authorities may apply to the Executive for approval to carry out the licensing functions of the Provincial Government under this Part of this Ordinance, and

- a) If the Executive is satisfied that the Ward Development Authority is competent to carry out those functions it may by Order delegate those functions to the Ward Development Authority;
- b) Any Ward Development Authority delegated the authority to carry out the functions under this Part must comply with all the obligations of the Provincial Government under this Part of this Ordinance.

PART III - SUBSIDIARY LEGISLATION

7. Executive may make Orders and Regulations

- (1) Makira Ulawa Provincial Executive may make Orders and Regulations for all or any of the following purposes:
 - a) Prescribing the scale of fees that must be paid for any licence, and such scale of fees must provide for:
 - (i) The fees to be paid in the Provincial station;
 - (ii) The fees to be paid in any sub-station;
 - (iii) The fees to be paid in any area outside of the Provincial station or sub-stations;
 - (iv) The fees to be paid for a transfer of licence or issuing a duplicate licence.
 - b) Prescribing the maximum number of dogs that may be owned by any owner or household in the Provincial station, in substations, and in any areas outside of the Provincial station and substation.
 - c) Delegating to Village Peace Councils or Ward Development Authorities any appropriate functions under this Ordinance.
 - d) Any other matter consistent with this Ordinance that may be necessary or expedient for effectively carrying out this Ordinance.
- (2) In making Subsidiary Legislation under this Ordinance the Executive must take into account the objectives of this Ordinance to control nuisances caused by dogs.

PART IV - OFFENCES, VICTIMS RIGHTS AND POWERS OF OFFICERS

8. General Offences

- (1) A person commits a **category two** infringement offence who:
 - a) Owns or keeps any dog in breach of any of the requirements of or under this Ordinance;
 - b) Provides any false or misleading information in relation to any application for any dog licence.
- (2) In addition to the penalties provided for in this section, for any second or subsequent offence the Provincial Government may dispose of any dog to any of the offending relates where:
 - a) In accordance with the Penalties For Offences Ordinance th 30 day period for appeals has expired and the person served the infringement notice has not requested the Provincial Government to consider any matter in relation to the infringement and has not requested a court hearing; or
 - b) The person served with the infringement notice has been convicted by a court for the infringement offence.

9. Victims rights preserved

Nothing in this Ordinance prejudices the rights of any person who suffers any harm or damage (whether to themselves or to their animals or property), as a result of an owner breaching any of the requirements of this Ordinance, to seek civil compensation in an appropriate forum.

10. Disposal of dogs

- (1) The Police and / or Provincial Government may dispose of any dog:
 - a) Believed on reasonable grounds not to be owned by any person in the area;
 - b) For which it cannot, after reasonable enquiry in the area within which the dog is discovered, identify the owner;
 - c) Where the health or conduct of the dog is so serious as to warrant immediate disposal for the safety of the public or any domestic animal or protected species;
 - d) Subject to the requirements of **section 7(2)**, where the owner has committed a second or subsequent offence under this Ordinance and at least one of the offences was in relation to that dog.
- (2) The Police and/or Provincial Government may dispose of any such dog by any reasonable means including:
 - a) Destroying the dog by any reasonable means, including administering poison to the dog;
 - b) Gift or sale of the dog for any purpose, as long as the dog is not considered to pose any risk, threat or danger under this Ordinance.

11. Power of Officers and Offence to Obstruct Officers

- (1) Any police officer or authorised officer of the Provincial Government may, at any reasonable time:
 - a) Request the production of any dog licence for inspection;
 - b) Make enquiries to ascertain whether any breach of this Ordinance is being or has been committed;
 - c) Remove any dog suspected of not being cared for or controlled in the manner required in **section 4**, and where appropriate place it temporarily in alternative care;
 - d) Dispose of any dog in accordance with **section 10**.
- (2) Any person who:
 - a) Obstructs or impedes any person authorised under this section, acting in due exercise of his powers;
 - b) Refuses to produce a licence upon reasonable request;
 - c) Produces a licence (or duplicate licence), knowing the licence to have been revoked and intending to mislead the person authorised under this section;
 - d) Falsely produces a licence belonging to another owner and/or relating to another dog, intending to mislead the person authorised under this section;
 is guilty of a **category five** infringement offence.

12. Village Peace Councils authorised to carry out the functions of this Part

- (1) Village Peace Wardens are authorised to carry out the functions under section 11 and the provisions of section 11 shall apply to Village Peace Wardens as if they were officers of the Provincial Government.
- (2) Village Peace Councils are delegate the authority to carry out the other functions of the Provincial Government under this Part of this Ordinance and have jurisdiction in relation to any infringement offence.

PART V - MISCELLANEOUS

11. Revocation of existing law

The Makira Province Dog Licence Ordinance 1984 is repealed.

**PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY
THIS 7TH DAY OF JUNE 2006**

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be true and correct copy of the said Ordinance.

George Kuata
Clerk to the Makira Ulawa Provincial Assembly

**ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERN-
MENT
THIS 12TH DAY OF DECEMBER 2006**

Honourable Japhet Waipora (MP)
Minister for Provincial Government & Constituency Development