

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 3 de 1971

JOINT REGULATION 3 of 1971

JOINT REGULATION

No. 3 of
1971.

Provide for the registration and control of dogs.

[Enacted: Condominium Gazette No. 300.]

F. 357/8.

by the Resident Commissioners under the provisions of paragraph 2 of Article 2 and Article 7 of the Anglo-French Protocol of 1914.

PART I

REGISTRATION

1. (1) This part of this Regulation shall apply to dogs both male and female over the age of six months.

Application
of Part I
and Proof of
age of dogs.

(2) In any prosecution instituted under this part of this Regulation, the age of the dog to which the proceedings relate shall, in the absence of proof to the contrary, be presumed to be more than six months.

2. The Resident Commissioners may by Joint Decision—

- (i) declare areas in the New Hebrides to be Dog Control Areas;
- (ii) appoint a Dog Control Officer for each Dog Control Area;
- (iii) appoint such person (hereinafter referred to as "appointed persons") as they shall think fit to perform the functions and exercise the powers conferred upon them by this Regulation.

Declaration
of Dog
Control
Areas and
Appointment
of Dog
Control
Officers and
Appointed
Persons.

3. (1) Upon receipt of the prescribed registration fee, the Dog Control Officer shall enter particulars of the dog and its owner in a register which he shall keep for the purpose and shall issue to the owner a badge inscribed with a serial number recorded in the register, which shall be valid up to the end of the calendar year in which it is issued.

Registration
of Dogs and
Issue of
Badges.

(2) In any prosecution instituted under this part of this Regulation—

- (i) a copy of any entry in the register certified by the Dog Control Officer shall be admissible and sufficient proof of the contents thereof;
- (ii) a certificate signed by the Dog Control Officer that no entry relating to a particular person or dog has been made in the register shall be admissible and sufficient proof that no registration has been effected by that person or in respect of that dog.

(1) Subject to subsection (2), every owner of a dog within a Dog Control Area shall in each year register it with the Dog Control Officer and pay the prescribed fee therefor, on or before the first day of the month of February in the year for which registration is required.

Dogs to be registered in each year.

(2) Every person who during the course of a year first becomes the owner of a dog to which this part of this Regulation applies, whether by age of the dog or change of ownership, shall cause it to be registered with the Dog Control Officer and shall pay the prescribed fee therefor within two months of that date.

(3) Every person who shall fail to comply with the provisions of subsection (1) or subsection (2) shall pay to the Dog Control Officer in addition to the prescribed fee for registration a penalty prescribed by Joint Rules made by the Resident Commissioners for that purpose for each complete month during which the prescribed fee is lawfully due and is not paid.

(4) Without prejudice to the provisions of subsection (3), every person who shall fail to register a dog required by this Regulation to be registered and to pay the registration fee and penalty fees in respect thereof shall commit an offence punishable upon conviction thereof by a fine not exceeding one hundred Australian dollars or by imprisonment for a term not exceeding one month or by both such penalties and imprisonment.

(1) Every owner of a dog in a Dog Control Area shall cause it to wear a collar with a badge valid for the current year issued thereto.

Dogs to wear valid badges.

(2) Every person who fails to comply with the provisions of subsection (1) shall commit an offence punishable upon conviction thereof by a fine not exceeding twenty Australian dollars.

Where any badge issued by a Dog Control Officer in respect of any dog has been lost or destroyed, the owner shall forthwith apply to the Dog Control Officer and shall register the dog again as if it had not been registered in that year.

Dogs to be re-registered on loss of badge.

(1) Where an appointed person finds a dog not wearing a badge in a Dog Control Area, he may seize and impound it.

Impounding of dogs by appointed persons.

(2) Where an appointed person finds any unaccompanied dog in a Dog Control Area, he may seize and impound it.

(3) The owner of any dog found by an appointed person in a Dog Control Area on two or more occasions within any period of twelve months shall be guilty of an offence punishable upon conviction by a fine not exceeding twenty Australian dollars:

Provided that it shall be a defence to a charge under this subsection if the person charged shall show that he took all reasonable

to prevent the straying and that it was not caused by his act or omission.

(4) Where an appointed person has impounded any dog not wearing a badge under the provisions of this section, he shall within twenty-two hours thereof cause a Public Notice in the form prescribed in the Schedule to this Regulation to be posted in the places where Public Notices are displayed.

(5) Where an appointed person has impounded a dog wearing a badge under the provisions of this section, he shall as soon as practicable inform the owner thereof.

(6) Poundage fees and unpaid registration fees shall be paid in respect of every dog impounded under the provisions of this section.

(7) Subject to subsection (6), upon payment to the appointed person of the poundage fees due and any unpaid registration fees and penalty fees, any dog impounded under the provisions of this section, shall be released to the owner.

(8) If the required fees have not been paid by the expiration of seven clear days from the posting of the Public Notice, the appointed person may at the direction of a Condominium Veterinary Officer destroy the dog impounded or cause it to be destroyed humanely by an officer or agent of the Condominium Agricultural and Animal Husbandry Department.

8. Where any fees are paid to an appointed person under the provisions of this Regulation, he shall issue an official receipt therefor and forthwith forward the fees to the Dog Control Officer.

Provisions as to fees paid.

9. This part of this Regulation shall have no application in respect of guide dogs for blind persons, police dogs or dogs owned or used for the purposes of the Condominium Government, the Commonwealth National Administration or the British National Administration.

Exemptions.

PART II
CONTROL

10. This part of this Regulation shall apply in respect of all dogs whether male or female and, unless otherwise specified, within and outside Dog Control Areas.

Application of Part II.

11. (1) Any person who fails to keep a dangerous dog under proper control shall be guilty of an offence punishable on conviction thereof by a fine not exceeding one hundred Australian dollars or by imprisonment for a term not exceeding three months or by both such fine and imprisonment:

Failure to control dangerous dogs.

Provided that it shall be a defence to a prosecution under this section if the person charged shall prove that the dog was wilfully provoked, whether by the complainant or by some other person.

(2) The District Agents of the District concerned may, upon conviction of any person under subsection (1), order that the dog be destroyed humanely by an officer or agent of the Commonwealth Agricultural and Animal Husbandry Department.

(3) Any dog which has attacked or attempted to attack any person shall be deemed for the purpose of this section to be a dangerous dog.

12. Any owner of a dog within a Dog Control Area who wilfully causes or permits it to bark, howl or whine between the hours of nine o'clock in the evening and five o'clock in the morning of the following day so as to cause unreasonable annoyance to other persons shall be guilty of an offence punishable upon conviction thereof by a fine not exceeding twenty Australian dollars.

Failure to prevent nocturnal annoyance by dogs.

13. Any owner of a dog who causes or permits it to enter any premises where food for human consumption is prepared for sale or sold in the ordinary way of business shall be guilty of an offence punishable upon conviction thereof by a fine not exceeding twenty Australian dollars.

Prohibition of dogs in premises for preparation or sale of food.

14. Any owner of livestock who shall leave a dead carcass buried or unburnt in a place to which any dog may gain access shall commit an offence punishable upon conviction thereof by a fine not exceeding sixty Australian dollars.

Failure to bury carcasses.

15. Any person who uses strychnine or any other poison to destroy dogs or any other domestic animals or who lays or sets any poisoned bait in such a manner or place that it may be consumed by any dog or any other domestic animals shall commit an offence punishable on conviction thereof by a fine not exceeding six hundred Australian dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Prohibition of laying poisoned bait.

16. Notwithstanding the provisions of this Regulation, it shall be lawful for any duly authorised officer or agent of the Commonwealth Agricultural and Animal Husbandry Department to use any poisonous substance for the destruction of dogs or to shoot any dog, in order to protect any livestock, under conditions prescribed in the Joint Rules made by the Resident Commissioners.

Official destruction of dogs lawful.

17. Any owner of a dog who treats it with cruelty or neglect or who fails to give it adequate and regular nourishment shall commit an offence punishable upon conviction thereof by a fine not exceeding two hundred Australian dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Cruelty and neglect towards dogs by owners.

18. (1) Any owner of a dog who wilfully causes or permits the dog to worry livestock, other than livestock trespassing upon land occupied by such owner, or fails to take reasonable steps to prevent

Worrying of livestock by dogs.

in worrying such livestock, shall commit an offence punishable on conviction thereof by a fine not exceeding two hundred Australian dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) The owner or other authorised person having charge for the time being of any livestock being worried by any dog may if it is necessary in order to end the worrying, summarily destroy the dog by shooting it:

Provided that this subsection shall not apply in respect of livestock trespassing upon land occupied by the owner of the dog concerned.

(3) For the purposes of this section, worrying livestock means—

- (a) attacking livestock, or
- (b) chasing livestock in such a way as may reasonably be expected to cause injury or suffering to the livestock or, in the case of females, abortion, or loss or diminution of their produce.

PART III

MISCELLANEOUS

19. The Resident Commissioners may make Joint Rules for carrying into effect the provisions of this Regulation and without prejudice to the generality of the foregoing for the purpose of—

- (a) prescribing fees payable upon the registration of dogs, including a rising scale of fees in proportion to the increasing number of dogs owned by any one person;
- (b) prescribing the penalty fees payable in respect of registration fees lawfully due but not paid;
- (c) prescribing the amount of poundage fees payable;
- (d) prescribing the conditions under which dogs may be destroyed whether by poisoning or shooting by officers or agents of the Condominium Agricultural and Animal Husbandry Department;
- (e) introducing on the advice of the District Agents concerned the compulsory registration of dogs in areas other than declared Dog Control Areas and the application in respect of such areas of any provisions of this Regulation;
- (f) any other matters incidental to the foregoing or necessary for the fulfilment of any duty or function or the exercise of any power by any person under the provisions of this Regulation.

20. In this Regulation, unless the context otherwise requires, reference to the owner of a dog shall include reference to any other person for the time being having charge or control of a dog.

Meaning of owner.

21. (1) Joint Regulation No. 18 of 1934 is hereby repealed.

Repeal and transitional provision.

(2) Notwithstanding the provisions of subsection (1), the declaration of any dog and the payment of tax thereon under provisions of section 5 and section 6 of the repealed Regulation shall remain valid for the period for which the tax was paid as if the dog were for that period registered and the registration fees thereon paid under the provisions of this Regulation.

22. This Regulation may be cited as the Joint Control and Registration of Dogs Regulation No. 3 of 1971 and shall come into force on the date of its publication in the Condominium Gazette.

Citation and commencement.

Made at Vila this fifth day of March 1971.

ANGLOIS

M. TOWNSEND

Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

SCHEDULE (Section (3))

PUBLIC NOTICE

JOINT CONTROL AND REGISTRATION OF DOGS REGULATION

1. The following dog was impounded by me..... in the.....day of.....19.....

Colour Sex Type

- 2. Poundage fees at the rate of per day are payable.
3. On payment of the poundage fees and any registration fees or penalty fees outstanding the dog will be released to the owner.
4. If no such payment is made within six days from the date of this notice the dog will be destroyed or sold.

Signed..... Appointed person for the Dog Control Area of:.....

Dated the.....day of.....19.....