



ANALYSIS

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1991, No. 8

An Act to amend the Dogs Registration Act 1986

(16 May 1991)

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 1991 and shall be read together with and deemed part of the Dogs Registration Act 1986 (hereinafter referred to as "the principal Act").

2. Interpretation - Section 2 of the principal Act is amended by adding after the definition of "Constable" the following new definitions:

"Controlled Dog" means -

- (a) any pure bred member of the species of dogs designated from time to time in the regulations,
- (b) every cross-bred dog where at least 50 percent in the aggregate of the genes of the dog are from any one or more of the species of dogs designated in the regulations, or
- (c) any dog designated from time to time as Dangerous by a constable or Dog control officer where, in the opinion of the officer, the dog is Dangerous."

"Dangerous" in relation to a dog, means a dog of a temperament, training or lack thereof likely to cause the dog to attack or startle any person, stock or poultry, or rushing any vehicle."

3. Controlled Dogs - The principal Act is amended by adding after section 23 the following new section:

"23A. Controlled Dogs - (1) Everyone commits an offence who imports or attempts to import a Controlled Dog into the Cook Islands, imports or attempts to import any dog into the Cook Islands without having first obtained a permit as prescribed by the regulations, or breeds Controlled Dogs in the Cook Islands.

(2) Anyone who owns a Controlled Dog as designated from time to time in the regulations or by a constable or Dog control officer shall -

- (a) register his dog immediately in accordance with the provisions of this Act,
- (b) make immediate arrangements to have the dog neutered or spayed as the case may be as soon as practicable, and
- (c) at all times, when outside of a building, keep the dog tied up or on a leash, and when inside of a building, secure the building, in such a manner as to prevent any escape by the dog.

(3) Any one who violates or fails to comply with the provisions of subsections (1) or (2) of this section commits an offence and is liable on conviction to a fine not exceeding 1000 dollars or to imprisonment for a period of up to 6 months or to both.

(4) Any constable, customs officer, or Dog control officer who has reasonable grounds to believe that an offence has been committed under subsection (6) of section 21 of this Act or subsections (1) or (2) of this section shall seize and destroy the dog immediately."

4. Training Prohibited - The principal Act is amended by adding after subsection (5) of section 21, the following subsection:

"(6). Training Prohibited - Anyone who trains or encourages any dog to attack, molest, or cause distress to any person or domestic animal commits an offence and is liable on conviction to a fine not exceeding 5000 dollars or to imprisonment for a period of up to 3 years or to both."

5. Court Application - Section 21 of the principal Act is amended by deleting the full stop at the end of subsection (1) and adding the words ", or at any time make an application to have the dog destroyed by order of the High Court."

6. Onus of Proof - The onus to prove to the satisfaction of a constable, customs officer, or Dog control officer that a dog is not Dangerous or that the genetic background of a dog consists of less than 50 percent in the aggregate of the genes of Controlled Dogs, rests with the owner.

7. Regulations - The Queen's Representative may from time to time by Order in Executive Council make such regulations as are contemplated by any provision of this Act or are necessary for giving full effect to the provisions of this Act and for the due administration thereof.

This Act is administered by the Police Department