



Tuvalu

DOGS (AMENDMENT) ACT 2019



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DOGS (AMENDMENT) ACT 2019

AN ACT TO AMEND THE DOGS ACT

Commencement [17th April, 2019]

1 Short Title

This Act may be cited as the Dogs (Amendment) Act 2019.

2 Commencement

This Act shall commence on the date of assent.

3 Amendment to Section 3

Section 3 is amended by repealing the definition for “owner of a dog” and replacing it with the following:

“owner of dog” means:

- (a) in the case of a licensed dog, the person in whose name the dog is registered;
- (b) in the case of an unlicensed dog, the person who ordinarily keeps and feeds the dog; and
- (c) in case of a child’s pet, the parent or guardian of the child.”

4 Amendment to Section 4

Section 4 is amended to increase the penalty by replacing “\$2” with “\$10” to read:

“Any magistrate or island magistrate may take cognisance of and hear any complaint that a dog, whether at large or not, is dangerous to person or property

and not kept under proper control, and if it appears that such dog is dangerous he may make an order in a summary way directing either that the dog be destroyed or kept under proper control by the owner, and any person failing to comply with such order shall be liable on summary conviction to a penalty of \$10 for every day during which he fails to comply with such order.”

5 Amendment to Section 6

Section 6 is amended to increase the fine by replacing “\$4” to “\$250” to read:

“If any dog shall on any street, public road or public pathway or in any public place, rush at or attack any person or animal whereby any person shall be injured or endangered or any such animal shall be injured or endangered, the owner of such dog shall be liable on summary conviction to a fine of not exceeding \$250.00”

6 Amendment to Section 10

Section 10 is amended by:

- (a) replacing the full stop “.” after the word “thereto” with the semi-colon “;” under subsection 1(iii) and adding the following paragraphs:
 - “(iv) the power of the Authority or designated authorized persons to enter private properties to seize any unlicensed dog;
 - (v) the establishment of a Dog Management and Control Committee being the Authority in charge of measures relating to control of movement of dogs.”; and
- (b) replacing “\$10” in subsection (2) with “\$200” below to read:

“Any breach of the provisions of such regulations may carry with it a penalty not exceeding \$200.”

7 Amendment to Section 12

Section 12 is repealed in its entirety and replaced with the following:

“The registration of a dog shall be made by the owner thereof, or by some person on his behalf, furnishing the registering officer a description of such dog together with all particulars required to be entered in a register book to be kept according to Form in Schedule 1 and by paying for such registration the sum of not more than \$100.”

8 Amendment to Section 22

Section 22 is amended by replacing the fine amount of “\$1” with “\$10” to read:

“Any person allowing his dog to be at large not wearing a collar and badge for the then current year shall be liable on summary conviction to a fine of \$10.”

9 Amendment to Section 23

Section 23 is amended by numbering the current provision as subsection (1) and inserting a new subsections (2) and (3) as bolded and read as follows:

- “(1) Any dog at large not wearing a collar and badge of the current year shall be liable to be seized by any person seeing it;
- (2) The Kaupule may direct an authorized person or police officer to seize and detain a dog at large;
- (3) Where a dog is seized and detained and it is a licensed dog, the Kaupule shall serve a notice on the owner providing that the:
- (a) dog has been seized and detained; and
 - (b) owner may reclaim the dog.”

10 Amendment to Section 25

Section 25 is repealed in its entirety and replaced with the following:

“25 Payment of penalty

The owner of a dog seized under section 23 shall on reclaiming the dog:

- (a) pay a prescribed penalty under the Regulation;
- (b) reimburse any costs incurred for the keeping of the dog during detention; and
- (c) where the dog is unlicensed, shall pay the license fee and the penalties prescribed under subsections (a) and (b).”

11 Insertion of New Sections

The Act is amended by inserting the additional sections 28, 29, 30 and 31 after section 27 as follows:

“28 Nuisance

- (1) An owner shall immediately remove or dispose of any faeces left by his or her dog in a public place not under the control of or occupation of the owner.
- (2) A person who fails or neglects to comply with subsection (1) is liable to a penalty of not more than \$200.

29 Dog creating nuisance

- (1) The owner shall not permit his or her dog to create a nuisance in a public place.
- (2) For the purposes of this section, ‘nuisance by a dog’ means:
 - (a) it behaves in a manner that is injurious or dangerous to the safety or health of a person or another animal;
 - (b) it creates noise by barking or otherwise that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person or place.

30 Complaints and investigation relating to nuisance

- (1) A person may make a complaint to the Kaupule in respect of a dog that is a nuisance stating the nature of the nuisance.
- (2) On receipt of a complaint, the Kaupule shall within 5 working days:
 - (a) investigate the complaint; and
 - (b) if necessary, institute proceedings for an offence against the owner.

31 Powers of the Kaupule

Where the Kaupule is satisfied that the dog against which the complaint is lodged is creating nuisance, the Kaupule may destroy the dog or direct other conditions as deem fit to abate the nuisance.”