Version
as at 4 September 2026

Dog Control Act 1996

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.

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An Act—

(a) to make better provision for the control of dogs; and

(b) to make better provision in relation to damage caused by dogs; and

(c) to repeal the Dog Control and Hydatids Act 1982 and its amendments

1 Short Title and commencement

(1) This Act may be cited as the Dog Control Act 1996.

(2) Except as provided in sections 10(9) and 37(9), this Act shall come into force on 1 July 1996.

2 Interpretation

In this Act, unless the context otherwise requires,—

disability assist dog means a dog certified by one of the organisations listed in Schedule 5 as being a dog that has been trained (or is being trained) to assist a person with a disability

district means the district of a territorial authority

dog control fee means any fee prescribed under section 37

dog control officer means a dog control officer appointed under section 11; and includes a warranted officer exercising powers under section 17

dog ranger means a dog ranger appointed under section 12; and includes an honorary dog ranger

domestic animal includes—

(a) any animal (including a bird or reptile) kept as a domestic pet:

(b) any working dog:

(c) any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment

infringement offence has the meaning given to it in section 65(1)

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

neutered dog means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised

owner, in relation to any dog, means every person who—

(a) owns the dog; or

(b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

(c) the parent or guardian of a person under the age of 16 years who—

(i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and

(ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999

poultry means any live bird (including a domestic fowl, a duck, a goose, a turkey, a guinea-fowl, a pheasant, an emu, an ostrich, a quail, or a pigeon) that is kept or raised for the purpose of sale or of producing eggs, hatching eggs, or poultry products or for the purpose of rearing on behalf of another person

private way has the meaning given to it by section 315(1) of the Local Government Act 1974

protected wildlife means—

(a) any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953; and

(b) any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section; and

(c) any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978

public place—

(a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and

(b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward

register, as a noun, means a dogs register kept by a territorial authority under section 34

registration year has the same meaning as that given to the term financial year in section 5(1) of the Local Government Act 2002

specified agency—

(a) means—

(i) AvSec as defined in section 5 of the Civil Aviation Act 2023:

(ii) the Department of Conservation:

(iii) the Department of Corrections:

(iv) the Ministry of Agriculture and Forestry:

(v) the Ministry of Defence:

(vi) the Ministry of Fisheries:

(vii) the New Zealand Customs Service:

(viii) the New Zealand Defence Force:

(ix) the New Zealand Police; and

(b) includes the Director-General of Emergency Management

stock means—

(a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state:

(b) any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes

territorial authority has the same meaning as in the Local Government Act 2002; but, except for the purposes of section 7 of this Act, does not include any territorial authority that has united with any other territorial authority under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002

veterinarian has the meaning given to it in section 4 of the Veterinarians Act 2005

warranted officer means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987

working dog means—

(a) any disability assist dog:

(b) any dog—

(i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or

(ii) kept solely or principally for the purposes of herding or driving stock; or

(iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

(iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or

(iva) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

(ivb) kept by AvSec as defined in section 5 of the Civil Aviation Act 2023, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or

(ivc) certified for use by the Director-General of Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Emergency Management Act 2026; or

(v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept

solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

(vi) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

Compare: 1982 No 42 s 2; 1990 No 27 s 42

Section 2 **companion dog**: repealed, on 28 June 2006, by section 4(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **disability assist dog**: replaced, on 21 March 2019, by section 4 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 2 **district**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **guide dog**: repealed, on 28 June 2006, by section 4(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **hearing ear dog**: repealed, on 28 June 2006, by section 4(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **Minister**: inserted, on 1 December 2003, by section 3(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **owner**: amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 2 **owner**: amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 2 **register**: inserted, on 28 June 2006, by section 4(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **registration year**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **specified agency**: inserted, on 1 December 2003, by section 3(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **specified agency** paragraph (a)(i): replaced, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2 **specified agency** paragraph (b): amended, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Section 2 **stock** paragraph (b): amended, on 12 December 2012, by section 4 of the Dog Control Amendment Act 2012 (2012 No 100).

Section 2 **territorial authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **veterinarian**: inserted, on 28 June 2006, by section 4(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **working dog** paragraph (a): substituted, on 28 June 2006, by section 4(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **working dog** paragraph (b)(i): amended, on 1 March 1998, pursuant to section 5(1)(c) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Section 2 **working dog** paragraph (b)(i): amended, on 1 October 1996, pursuant to section 294(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 2 **working dog** paragraph (b)(iv): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Section 2 **working dog** paragraph (b)(iva): inserted, on 1 December 2003, by section 3(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **working dog** paragraph (b)(ivb): inserted, on 1 December 2003, by section 3(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **working dog** paragraph (b)(ivb): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2 **working dog** paragraph (b)(ivc): replaced, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Section 2 **working dog** paragraph (b)(v): substituted, on 1 April 2011, by section 121(1) of the Private Security Personnel and Private Investigators Act 2010 (2010 No 115).

3 Act to bind the Crown

Except as provided in sections 57(7) and 63(2), this Act shall bind the Crown.

Compare: 1982 No 42 s 3

Objects

4 Objects

The objects of this Act are—

(a) to make better provision for the care and control of dogs—

(i) by requiring the registration of dogs; and

(ii) by making special provision in relation to dangerous dogs and menacing dogs; and

(iii) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and

(iv) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and

(b) to make provision in relation to damage caused by dogs.

Section 4(a)(ii): amended, on 1 December 2003, by section 4 of the Dog Control Amendment Act 2003 (2003 No 119).

5 Obligations of dog owners

(1) The obligations imposed on dog owners by this Act require every owner of a dog—

(a) to ensure that the dog is registered in accordance with this Act, and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog:

(b) to ensure that the dog is kept under control at all times:

(c) to ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter:

(d) to ensure that the dog receives adequate exercise:

(e) to take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means:

(f) to take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person:

(g) to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:

(h) to take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person:

(i) to comply with the requirements of this Act and of all regulations and bylaws made under this Act.

(2) Nothing in this Act limits the obligations of any owner of a dog to comply with the requirements of any other Act or of any secondary legislation regulating the control, keeping, and treatment of dogs.

Section 5(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Functions, duties, and powers of territorial authorities

6 Functions, duties, and powers of territorial authorities

(1) Every territorial authority shall perform any function or duty and may exercise any power imposed or conferred on it by this Act.

(2) In addition to any power conferred on a territorial authority by this Act, any territorial authority may,—

(a) either singly or jointly with any other territorial authority or any other organisation or group or body of persons (whether incorporated or not) undertake, promote, and encourage the development of such services and programmes as it considers desirable to promote responsible dog ownership and the welfare of dogs:

(b) make grants to any organisation or group or body of persons (whether incorporated or not) whose objects include the care, custody, training, or welfare of dogs or the instruction or education of persons concerning such care, custody, training, or welfare:

(c) engage in publicity for the purposes of this Act.

Compare: 1982 No 42 s 5

7 Power to appoint joint committees

(1) Subject to this section, any territorial authority may unite with 1 or more territorial authorities in appointing a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act.

(2) No territorial authority may unite under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act with any local authority or public body that is not a territorial authority.

(3) Except as otherwise provided in this Act, where any territorial authorities unite under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act,—

(a) the joint committee appointed under that clause is, for the purposes of this Act, deemed to be a territorial authority and has all the functions, duties, and powers conferred on a territorial authority by this Act; and

(b) the district of each of the territorial authorities that so unite are, for the purposes of this Act, deemed to be the district of that territorial authority; and

(c) except as provided in this section, the territorial authorities that so unite may not perform any function or exercise any power under this Act.

(4) Where any territorial authorities unite under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act, the joint committee may delegate to any of the territorial authorities that so unite any of the functions, duties, and powers conferred on that joint committee by this Act, other than the functions, duties, and powers conferred on it by sections 10, 11, 37, 38, and 39.

(5) Every delegation under subsection (4) is revocable at will, and no such delegation prevents the exercise of any power by the joint committee.

Section 7: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

8 Performance of functions

[Repealed]

Section 8: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

9 Revenue

All money received and retained by a territorial authority under this Act shall be expended only for purposes authorised by or under this Act.

10 Duty of territorial authorities to adopt policy on dogs

(1) Every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.

(2) For the purposes of subsection (1), the territorial authority must, under section 83(1)(e) of the Local Government Act 2002, give notice of the draft policy to every person who is, according to its register, the owner of a dog.

(3) Every policy adopted under this section—

(a) shall specify the nature and application of any bylaws made or to be made under section 20; and

(b) shall identify any public places in which dogs are to be prohibited, either generally or at specified times, pursuant to a bylaw made under section 20(1)(a); and

(c) shall identify—

(i) any particular public places; and

(ii) any areas or parts of the district,—

in which dogs (other than working dogs) in public places are to be required by a bylaw made under section 20(1)(b) to be controlled on a leash; and

(d) shall identify those areas or parts of the district in respect of which no public places or areas are to be identified under paragraph (b) or paragraph (c); and

(e) shall identify any places within areas or parts of the district specified in paragraph (c)(ii) of this subsection that are to be designated by a bylaw under section 20(1)(d) as dog exercise areas in which dogs may be exercised at large; and

(ea) must state whether dogs classified by the territorial authority as menacing dogs under section 33A or 33C are required to be neutered under section 33E(1)(b) and,—

(i) if so, whether the requirement applies to all such dogs; and

(ii) if not, the matters taken into account by it in requiring any particular dog to be neutered; and

(eb) must state whether dogs classified by any other territorial authority as menacing dogs under section 33A or 33C are required to be neutered under section 33EB(2) if the dog is registered with the territorial authority and,—

(i) if so, whether the requirement applies to all such dogs; and

(ii) if not, the matters taken into account by it in requiring any particular dog to be neutered; and

(f) shall include such other details of the policy as the territorial authority thinks fit including, but not limited to, details of the policy in relation to—

(i) fees or proposed fees; and

(ii) owner education programmes; and

(iii) dog obedience courses; and

(iv) the classification of owners; and

(v) the disqualification of owners; and

(vi) the issuing of infringement notices.

(4) In adopting a policy under this section, the territorial authority must have regard to—

(a) the need to minimise danger, distress, and nuisance to the community generally; and

(b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and

(c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and

(d) the exercise and recreational needs of dogs and their owners.

(5) Every statement or publication of a policy adopted under this section—

(a) shall identify any land within the district that is included in—

(i) a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or

(ii) a national park constituted under the National Parks Act 1980; or

(iii) Te Urewera, as defined in section 7 of the Te Urewera Act 2014; and

(b) may contain such other information and advice in relation to dogs as the territorial authority thinks fit.

(6) The territorial authority must give effect to a policy adopted under this section—

(a) by making the necessary bylaws under section 20, which must come into force not later than the 60th day after the adoption of the policy; and

(b) by repealing, before the 60th day after the adoption of the policy, any bylaws that are inconsistent with the policy.

(7) No territorial authority shall make any bylaw that is inconsistent with the policy under this section that, at the time of the making of the bylaw, is in force in its district.

(8) The territorial authority may, at any time, adopt, in accordance with the special consultative procedure, an amended policy under this section and this section shall apply, with the necessary modifications, to the adoption of that amended policy.

(8A) The adoption of a policy or amended policy in accordance with this section satisfies the requirements of sections 86, 155, and 156(1) of the Local Government Act 2002 in respect of any bylaw to which subsection (6) applies.

(9) This section shall come into force on the day on which this Act receives the Royal assent.

(10) Subsection (8) applies subject to section 10AA.

Section 10(1): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 10(2): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 10(2): amended, on 28 June 2006, by section 29(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(3)(ea): inserted, on 28 June 2006, by section 5(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(3)(eb): inserted, on 28 June 2006, by section 5(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(4): substituted, on 1 December 2003, by section 5(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10(5)(a)(ii): amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 10(5)(a)(iii): inserted, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 10(6): substituted, on 1 December 2003, by section 5(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10(6)(a): amended, on 28 June 2006, by section 29(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(8A): inserted, on 1 December 2003, by section 5(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10(10): added, on 28 June 2006, by section 5(3) of the Dog Control Amendment Act 2006 (2006 No 23).

10AA Local authority must review policy if bylaw implementing policy requires review

(1) This section applies if a bylaw to which section 10(6)(a) applies is required (by the operation of section 20(4)) to be reviewed by a territorial authority under section 158 or 159 of the Local Government Act 2002.

(2) The territorial authority must review the bylaw by making the determinations required by section 155 of that Act in the context of a reconsideration of the matters in section 10(4) of this Act.

(3) If, after the review, the territorial authority considers that the bylaw should be amended, revoked, or revoked and replaced, it must—

(a) deal with the bylaw under section 156 of the Local Government Act 2002; and

(b) if appropriate, amend its policy under section 10 of this Act.

(4) If, after the review, the territorial authority considers that the bylaw should continue without amendment, it must use the special consultative procedure set out in section 83 of the Local Government Act 2002.

(5) For the purposes of subsection (4), the statement of proposal referred to in section 83(1)(a) of that Act must include—

(a) a draft of the bylaw to be continued; and

(b) the reasons for the proposal, including the determinations made by the territorial authority under subsection (2).

Section 10AA: inserted, on 28 June 2006, by section 6 of the Dog Control Amendment Act 2006 (2006 No 23).

10A Territorial authority must report on dog control policy and practices

(1) A territorial authority must, in respect of each financial year, report on the administration of—

(a) its dog control policy adopted under section 10; and

(b) its dog control practices.

(2) The report must include, in respect of each financial year, information relating to—

(a) the number of registered dogs in the territorial authority district:

(b) the number of probationary owners and disqualified owners in the territorial authority district:

(c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:

(d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:

(e) the number of infringement notices issued by the territorial authority:

(f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:

(g) the number of prosecutions taken by the territorial authority under this Act.

(3) The territorial authority must—

(a) give public notice of the report; and

(b) make the report publicly available, as described in section 5(3) of the Local Government Act 2002.

(4) *[Repealed]*

Section 10A: inserted, on 1 December 2003, by section 6 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10A(3): replaced, on 21 March 2019, by section 5 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 10A(3)(a): amended, on 6 June 2026, by section 204(1) of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Section 10A(3)(b): amended, on 6 June 2026, by section 204(2) of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Section 10A(4): repealed, on 21 March 2019, by section 5 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Dog control officers and dog rangers

11 Dog control officers

(1) Every territorial authority shall appoint 1 or more dog control officers or enter into an agreement under section 16(2) for the provision of the services of a dog control officer in its district, and may appoint such other staff as it considers necessary for the purposes of this Act.

(2) No person shall be appointed as a dog control officer unless the territorial authority or the person making the appointment on behalf of the territorial authority is satisfied, having regard to the education and experience of the person to be appointed, that that person is competent to perform the duties and exercise the powers of a dog control officer under this Act.

Compare: 1982 No 42 s 9; 1992 No 9 s 3(4)

12 Dog rangers

(1) Any territorial authority may appoint 1 or more dog rangers.

(2) Any person may be appointed as a dog ranger in an honorary capacity.

Compare: 1982 No 42 s 13

13 Dog control officer and dog ranger to produce warrant of authority and evidence of identity

(1) Every dog control officer and dog ranger shall be supplied by his or her employer with a warrant of appointment as a dog control officer or dog ranger, as the case may be, and that warrant shall clearly show the district or districts in respect of which the dog control officer or dog ranger may exercise his or her powers.

(2) Every dog control officer or dog ranger who exercises or purports to exercise any power conferred by this Act shall carry, and shall produce if required to do so, his or her warrant of appointment and evidence of his or her identity.

Compare: 1982 No 42 s 14(1), (3)

14 Power of entry

(1) Where any dog control officer has good cause to suspect that an offence against this Act or against any bylaw made under this Act is being committed on any

land or premises, the dog control officer, and all persons he or she calls to his or her assistance, may enter at any reasonable time onto the land or premises—

(a) to inspect any dog for the time being appearing to be kept on that land or premises or to inspect the conditions in which any such dog is kept; and

(b) if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.

(2) Where any dog control officer has good cause to suspect that an offence against this Act or against any bylaw made under this Act has, at any time in the preceding 6 months, been committed in respect of any dog for the time being appearing to be kept on any land or premises, the dog control officer, and all persons he or she calls to his or her assistance, may enter at any reasonable time onto the land or premises—

(a) to inspect any dog on the land or premises; and

(b) if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.

(3) Nothing in this section shall authorise any dog control officer to enter any dwellinghouse unless—

(a) the entry is authorised by a warrant given by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on application by a dog control officer in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and

(b) he or she is accompanied by a constable.

(4) This section is subject to any express provision to the contrary in this Act.

(5) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 3, 5, and 6) apply.

(6) Despite subsection (5), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

Section 14(3)(a): substituted, on 28 June 2006, by section 7(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 14(3)(a): amended, on 1 October 2012, by section 232(1) of the Search and Surveillance Act 2012 (2012 No 24).

Section 14(4): added, on 28 June 2006, by section 7(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 14(5): inserted, on 1 October 2012, by section 232(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 14(6): inserted, on 1 October 2012, by section 232(2) of the Search and Surveillance Act 2012 (2012 No 24).

15 Power of dog control officer or dog ranger to feed and shelter dogs

(1) A dog control officer or dog ranger who has reasonable grounds to suspect that a dog is without access to proper and sufficient food, water, or shelter may

enter on any land or premises where the dog is present and do 1 or more of the following things:

(a) supply the dog with food, water, or shelter:

(b) enter onto the land or premises from time to time to continue to supply the dog with food, water, or shelter:

(c) seize the dog and remove it from the land or premises.

(2) A dog may be seized and removed under subsection (1)(c) only if the dog control officer or dog ranger—

(a) is satisfied that the dog is without access to proper and sufficient food, water, or shelter; and

(b) has reasonable cause to suspect that (but for the food, water, or shelter supplied by the dog control officer or dog ranger) the dog will not be given access to proper and sufficient food, water, or shelter within the next 24 hours.

(3) If a dog is seized under subsection (1)(c), the dog control officer or dog ranger—

(a) must give written notice in the prescribed form to the owner of the dog or, if the owner is not present, to the person for the time being appearing to be in charge of the land or premises; and

(b) may retain custody of the dog until—

(i) the dog control officer or dog ranger is satisfied that the dog will be given access to sufficient food, water, and shelter from its owner; or

(ii) the dog is disposed of under section 71A.

(4) For the purposes of subsection (3), if no person is present on the land or premises, the dog control officer or dog ranger must leave the notice in a conspicuous place on the land or premises.

(5) All reasonable costs incurred in the seizure, custody, sustenance, and transport of a dog under this section may be recovered as a debt from the owner of the dog.

(6) *[Repealed]*

Section 15: substituted, on 1 December 2003, by section 7 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 15(3)(a): amended, on 7 July 2004, by section 3(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 15(3)(b): substituted, on 28 June 2006, by section 8(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 15(4): amended, on 7 July 2004, by section 3(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 15(6): repealed, on 28 June 2006, by section 8(2) of the Dog Control Amendment Act 2006 (2006 No 23).

16 Districts in which dog control officer or dog ranger may exercise powers

(1) Except as provided in subsection (2), a dog control officer or dog ranger may exercise the powers conferred upon him or her by this Act only within the district of the territorial authority by which he or she is appointed.

(2) Any 2 or more territorial authorities may enter into a written agreement whereby the services of the dog control officer or officers or dog ranger or rangers employed by any of those authorities are made available to any other of those authorities; and in any such case the dog control officer or officers or dog ranger or rangers shall be entitled to exercise his or her or their powers in the districts of each such authority as if he or she or they were employed by that authority.

Compare: 1982 No 42 s 17

17 Powers of warranted officers

(1) Subject to this section, every warranted officer shall have, in relation to protected wildlife, the powers and functions conferred on dog control officers by sections 57 and 59.

(2) Where under this Act any dog is seized by or given into the custody of a warranted officer, the warranted officer shall as soon as practicable return the dog to its owner or deliver the dog into the custody of a dog control officer or dog ranger, and until that time shall ensure that the dog is kept in custody and given proper care and exercise.

(3) All reasonable costs incurred in the seizure, custody, sustenance, and transport of any dog pursuant to this section may be recovered as a debt from the owner of the dog.

18 Wilful obstruction of dog control officer or dog ranger

Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who wilfully obstructs or hinders any dog control officer or dog ranger in the exercise of his or her powers.

Compare: 1982 No 42 s 18(b)

Section 18: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 18: amended, on 1 December 2003, by section 8 of the Dog Control Amendment Act 2003 (2003 No 119).

19 Power of constable, dog control officer, or dog ranger to request information about owner

(1) A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the following persons to state his or her full name, date of birth, address, telephone contact number, and place of work (if applicable):

(a) any person appearing to be in charge of a dog; or

(b) any person appearing to be the occupier of any land or premises on which a dog for the time being is being kept.

(1A) If a person referred to in subsection (1)(a) or (b) claims not to be the owner of the dog, the person must state the name, address, and place of work of the owner of the dog (if known).

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who, without reasonable excuse, fails or refuses to comply with a lawful request under subsection (1), or wilfully provides false information in response to a request to provide the information.

(3) Any constable, dog control officer, or dog ranger who—

(a) has reasonable grounds to believe that an offence against subsection (2) has been committed by any person; and

(b) has warned that person of the provisions of this subsection; and

(c) has reasonable grounds to believe that a further offence against subsection (2) has been committed by that person subsequent to the warning; and

(d) has reasonable grounds for believing that an offence against any other section of this Act, or against any bylaw authorised by this Act, has been committed by the owner of the dog referred to in subsection (1),—

may seize and impound the dog and, in the case of a constable, may arrest that person without a warrant.

Compare: 1982 No 42 s 18(a)

Section 19 heading: amended, on 1 December 2003, by section 9(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(1): substituted, on 1 December 2003, by section 9(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(1A): inserted, on 1 December 2003, by section 9(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(2): substituted, on 1 December 2003, by section 9(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

19A Power of constable, dog control officer, or dog ranger to request information about dog

(1) A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the owner of a dog to state the name, gender, and a description of the dog.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who, without reasonable excuse, fails to comply with a lawful request under subsection (1), or wilfully provides false information in response to a request to provide the information.

Section 19A: inserted, on 1 December 2003, by section 10 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Bylaws

20 Dog control bylaws

(1) Any territorial authority may, in accordance with the Local Government Act 2002, make bylaws for all or any of the following purposes:

(a) prohibiting dogs, whether under control or not, from specified public places:

(b) requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district:

(c) regulating and controlling dogs in any other public place:

(d) designating specified areas as dog exercise areas:

(e) prescribing minimum standards for the accommodation of dogs:

(f) limiting the number of dogs that may be kept on any land or premises:

(g) requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise:

(h) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces:

(i) requiring any bitch to be confined but adequately exercised while in season:

(j) providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act:

(k) requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against section 53):

(l) any other purpose that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dogs.

(2) Nothing in this section shall authorise the making of any bylaw conferring any power of entry onto any land or premises without the consent of the occupier.

(3) No bylaw authorised by any of the provisions of paragraphs (a) to (d) of subsection (1) shall have effect in respect of any land for the time being included in—

(a) a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or

(b) a national park constituted under the National Parks Act 1980; or

(c) Te Urewera, as defined by section 7 of the Te Urewera Act 2014.

(4) Bylaws authorised by this section shall be made in accordance with the Local Government Act 2002 and shall be deemed to have been made under that Act.

(5) A person who commits a breach of any bylaw authorised by this section commits an offence and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.

(5A) An injunction preventing a person from committing a breach of any bylaw authorised by this section may be granted in accordance with section 162 of the Local Government Act 2002, which section applies accordingly with all necessary modifications.

(6) Notwithstanding section 7, no joint standing or special committee that has had conferred upon it the functions, duties, and powers of territorial authorities under this Act shall have the power to make any bylaw; and the territorial authorities that so conferred their functions, duties, and powers under this Act shall retain the power to make bylaws in accordance with this section.

Compare: 1982 No 42 s 63

Section 20(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 20(3)(b): amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 20(3)(c): inserted, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 20(4): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 20(5): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 20(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 20(5A): inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Probationary owners

21 Classification of probationary owners

(1) Where any person is convicted of any offence (not being an infringement offence) against this Act or any offence against Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog or any offence against section 26ZZP of the Conservation Act 1987 or section 56I of the National Parks Act 1980 or

section 85 of the Te Urewera Act 2014, the territorial authority may classify that person as a probationary owner.

(2) Where any person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months, the territorial authority may classify that person as a probationary owner.

(3) For the purposes of subsection (2), a person shall be deemed to have committed an infringement offence if—

(a) that person has been ordered to pay a fine and costs under section 375 of the Criminal Procedure Act 2011, or is deemed to have been so ordered under section 21(5) of the Summary Proceedings Act 1957; or

(b) the infringement fee specified on an infringement notice in respect of that offence and issued to that person under section 66 has been paid.

(4) Where any person is classified as a probationary owner under subsection (1), the territorial authority shall as soon as practicable give written notice in the prescribed form to that person of that decision.

(5) This section applies only if section 25(1A) applies.

Section 21(1): amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 21(1): amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 21(2): amended, on 1 December 2003, by section 11 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 21(3)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 21(5): added, on 7 July 2004, by section 4 of the Dog Control Amendment Act 2004 (2004 No 61).

22 Objection to classification as probationary owner

(1) Every person classified as a probationary owner under section 21—

(a) may object to the classification by lodging, with the territorial authority, a written objection to the classification; and

(b) shall be entitled to be heard in support of the objection.

(2) An objection under this section may be lodged at any time during the period of the classification, but no objection shall be lodged within 12 months of the hearing of any previous objection to the classification.

(3) In considering any objection under this section, the territorial authority shall have regard to—

(a) the circumstances and nature of the offence or offences in respect of which the classification was made; and

(b) the competency of the person objecting in terms of responsible dog ownership; and

(c) any steps taken by the owner to prevent further offences including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept; and

(d) the matters advanced in support of the objection; and

(e) any other relevant matters.

(4) In determining any objection, the territorial authority may uphold or terminate the classification of any person as a probationary owner, and shall give written notice of its decision and the reasons for it to the objector.

23 Probationary owners

(1) Classification as a probationary owner shall, unless earlier terminated by the territorial authority, continue until 24 months after the date of the offence or, as the case may be, the date of the third infringement offence, in respect of which the classification was made.

(2) No person who is for the time being classified as a probationary owner shall be capable of being the registered owner of any dog unless that person was the registered owner of that dog on the date of the offence or, as the case may be, the date of the third infringement offence, in respect of which the classification was made.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

(7) *[Repealed]*

Section 23(3): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(4): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(5): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(6): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(7): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

23A Territorial authority may require probationary owner to undertake training

(1) If a person is classified as a probationary owner under section 21, the territorial authority may require the person to undertake, at his or her own expense, a dog owner education programme or a dog obedience course (or both) approved by the territorial authority.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who, without reasonable excuse, fails to comply with a requirement under subsection (1).

Section 23A: inserted, on 1 December 2003, by section 13 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23A(1): amended, on 7 July 2004, by section 5(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 23A(2): added, on 7 July 2004, by section 5(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 23A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

24 Obligation of probationary owners to dispose of unregistered dogs

(1) Where any person is classified as a probationary owner, that person shall, within 14 days after the date on which the notice of classification is, under section 21(4), given to that person, dispose of every unregistered dog owned by that person.

(2) Every dog disposed of under this Act shall be disposed of in a manner that does not constitute an offence against this or any other Act.

(3) Where any person lodges, within 14 days after the date on which the notice under section 21(4) is given to that person, an objection under section 22, subsection (1) applies in relation to that person as if the period within which that person is required by that subsection to dispose of every unregistered dog owned by that person ends on the 14th day after the date on which the notice under section 22(4) is given to that person.

(4) Where any person is given a notice under section 21(4) at a time at which that person is keeping an unregistered dog in contravention of section 42(1),—

(a) it shall not be an offence against section 42(1) for that person to keep that unregistered dog until the expiration of any period allowed by this section for the disposal by that person of that unregistered dog; and

(b) nothing in section 42(2) authorises the seizure and impounding of that unregistered dog at any time while that dog is still being kept by that person and any period allowed by this section for the disposal by that person of that unregistered dog has not expired.

(5) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who—

(a) fails to comply with subsection (1); or

(b) fails, in disposing of a dog under subsection (1), to comply with subsection (2); or

(c) at any time while classified as a probationary owner becomes the registered owner of a dog (unless the person was the registered owner of the dog on the date of the offence or the date of the third infringement

offence in respect of which the classification was made under section 21); or

(d) disposes or gives custody or possession of any dog to any person, knowing that the person is disqualified under section 25.

Section 24(5): added, on 7 July 2004, by section 6 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 24(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Disqualification of owners

25 Disqualification of owners

(1) A territorial authority must disqualify a person from being an owner of a dog if—

(a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or

(b) the person is convicted of an offence (not being an infringement offence) against this Act; or

(c) the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

(1A) Subsection (1) does not apply if the territorial authority is satisfied that the circumstances of the offence or offences are such that—

(a) disqualification is not warranted; or

(b) the territorial authority will instead classify the person as a probationary owner under section 21.

(2) For the purposes of subsection (1)(a), a person must be treated as having committed an infringement offence if—

(a) that person has been ordered to pay a fine and costs under section 375 of the Criminal Procedure Act 2011, or is deemed to have been so ordered under section 21(5) of the Summary Proceedings Act 1957; or

(b) the infringement fee specified on the infringement notice in respect of the offence issued to the person under section 66 has been paid.

(3) A disqualification under subsection (1) continues in force for a period specified by the territorial authority not exceeding 5 years from the date of the third infringement offence or offences (as the case may be) in respect of which the person is disqualified.

(4) If a person is disqualified under subsection (1), the territorial authority must, as soon as practicable, give written notice in the prescribed form to the person of that decision.

Section 25: substituted, on 1 December 2003, by section 14 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 25(1): amended, on 7 July 2004, by section 7(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 25(1A): inserted, on 7 July 2004, by section 7(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 25(2)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

26 Objection to disqualification

(1) Every person disqualified under section 25—

(a) may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and

(b) shall be entitled to be heard in support of the objection.

(2) An objection under this section may be lodged at any time but no objection shall be lodged within 12 months of the hearing of any previous objection to the disqualification.

(3) In considering any objection under this section, the territorial authority shall have regard to—

(a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and

(b) the competency of the person objecting in terms of responsible dog ownership; and

(c) any steps taken by the owner to prevent further offences; and

(d) the matters advanced in support of the objection; and

(e) any other relevant matters.

(4) In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under section 27 to the objector.

27 Appeal to District Court

(1) Any person who has lodged an objection under section 26 and is dissatisfied with the decision of the territorial authority may, within 14 days of the date on which notice of that decision is, under section 26(4), given to that person, appeal to the District Court against that decision.

(2) The District Court, in hearing the appeal, shall consider the matters specified in section 26(3) and any submission by the territorial authority in support of its decision, and may uphold the determination, bring forward the date of termination, or immediately terminate the disqualification.

Section 27(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

28 Effect of disqualification

(1) Subject to this section, if a person is disqualified from owning a dog under section 25 the person must,—

(a) within 14 days of the date on which notice of the decision is given to the person, dispose of every dog owned by the person; and

(b) not subsequently be in possession of a dog at any time, except for the purpose of—

(i) preventing a dog from causing injury, damage, or distress; or

(ii) returning, within 72 hours, a lost dog to the territorial authority for the purpose of restoring the dog to its owner.

(2) Every dog disposed of under subsection (1)(a)—

(a) shall be disposed of in a manner that does not constitute an offence against this or any other Act; and

(b) shall not be disposed of to any person who resides at the same address as the person disqualified.

(3) Where any person has, within 14 days after the date on which the notice of disqualification under section 25(4) is given to that person, lodged an objection under section 26, subsection (1) of this section shall apply in relation to that person as if the reference in that subsection to section 25(4) were a reference to section 26(4).

(4) Where any person has, within 14 days after the date on which the notice under section 26(4) is given to that person in respect of an objection to which subsection (3) of this section refers, lodged an appeal under section 27, subsection (1) of this section shall apply in relation to that person as if the reference in that subsection to the date on which the notice under section 25(4) was given to that person were a reference to the date of the decision of the District Court on that appeal.

(5) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who—

(a) fails to comply with subsection (1); or

(b) fails, in disposing of a dog under subsection (1), to comply with subsection (2); or

(c) at any time while disqualified under section 25, becomes the owner of any dog in terms of this Act; or

(d) disposes or gives custody or possession of any dog to any person, knowing that person to be disqualified under section 25.

(6) Where any person is convicted of an offence against paragraph (a) or paragraph (c) of subsection (5), the territorial authority may extend the period of disqualification of that person until a date not later than 5 years after the date on which the offence occurred.

(7) Where any person fails to comply with subsection (1), any dog control officer may seize any dog owned by that person and, for that purpose, may, at any reasonable time, with all persons he or she calls to his or her assistance, enter onto the land or premises, including any dwellinghouse, of the owner of the dog.

Section 28(1): substituted, on 1 December 2003, by section 15(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(2): amended, on 1 December 2003, by section 15(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(3): amended, on 1 December 2003, by section 15(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(4): amended, on 1 December 2003, by section 15(4) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 28(5): amended, on 1 December 2003, by section 15(5) of the Dog Control Amendment Act 2003 (2003 No 119).

29 Probationary classification and disqualification to extend over New Zealand

Every classification as a probationary owner and every disqualification under this Act shall be in force throughout New Zealand.

30 Maintenance of records and provision of information

(1) For the purposes of this section and of sections 21 to 29, and only for those purposes, every territorial authority shall—

(a) maintain a record of every order made under section 375 of the Criminal Procedure Act 2011, and of every order deemed to have been made under section 21(5) of the Summary Proceedings Act 1957, in respect of an infringement offence committed within the previous 30 months in respect of which—

(i) a charging document was filed in the name of the territorial authority pursuant to section 65(2)(a); or

(ii) an infringement notice was issued by the territorial authority; and

(b) maintain a record of every infringement notice issued by the territorial authority under this Act in respect of an offence committed within the previous 30 months (whether or not the infringement fee has been paid); and

(c) maintain a full record of,—

(i) every decision of that territorial authority to classify a person as a probationary owner under subsection (1) or subsection (2) of section 21; and

(ii) every decision of that territorial authority to uphold such classification under section 22(4);—

for so long as that classification remains in force; and

(d) maintain a full record of,—

(i) every decision of that territorial authority to disqualify any person under section 25(1); and

(ii) every decision of that territorial authority to uphold disqualification under section 26(4); and

(iii) every decision of that territorial authority to extend, under section 28(6), a period of disqualification;—

for so long as that disqualification remains in force.

(2) Subject to subsection (6), every territorial authority—

(a) shall, where any officer of any other territorial authority so requests for the purposes of this Act, inform that officer whether any person named in that request,—

(i) is shown, by any record kept by that territorial authority pursuant to paragraph (a) or paragraph (b) of subsection (1) to have committed, within the meaning of section 21(3) or section 25(2), any infringement offence and, if so, the date and nature of that offence; or

(ii) is for the time being classified as a probationary owner under section 21 by virtue of a decision of that territorial authority and, if so, the date on which that classification will terminate; or

(iii) is for the time being disqualified under section 25 by virtue of a decision of the territorial authority and, if so, the date on which that disqualification will terminate:

(b) shall, where any person classified as a probationary owner by that territorial authority has objected to another territorial authority against that classification, forward to the other territorial authority such information held in the records kept under subsection (1)(c) as is necessary for the purposes of section 22(3)(a):

(c) shall, where any person disqualified by that territorial authority has objected to another territorial authority against that disqualification, forward to the other territorial authority such information held in the records kept under subsection (1)(d) as is necessary for the purpose of section 26(3)(a).

(3) Subsection (1) shall apply to all information received by a territorial authority pursuant to subsection (2)(a) as if that territorial authority had taken the actions referred to in that subsection.

(4) At the expiration of any period during which any territorial authority is required by this section to maintain any records and information, those records and that information shall be destroyed by the territorial authority.

(5) A territorial authority may comply with this section by entering the required information directly into the national dog control information database referred to in section 35A.

(6) A territorial authority that complies with subsection (5) is not required to answer any request made under subsection (2). Instead the request must be treated as if it were a request made to the territorial authority referred to in section 35A(2).

Section 30(1)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30(1)(a)(i): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30(1)(b): amended, on 28 June 2006, by section 9 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 30(1)(d)(i): amended, on 1 December 2003, by section 16(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 30(2): amended, on 7 July 2004, by section 8(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 30(2)(a)(i): amended, on 1 December 2003, by section 16(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 30(5): substituted, on 7 July 2004, by section 8(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 30(6): added, on 7 July 2004, by section 8(2) of the Dog Control Amendment Act 2004 (2004 No 61).

30AA Territorial authority may retain information about infringement notice until infringement fee paid

(1) A territorial authority may retain any record in relation to an infringement notice issued by it until the infringement fee (or, as the case may be, the fine) has been paid in full.

(2) Subsection (1) applies despite anything to the contrary in this Act.

Section 30AA: inserted, on 28 June 2006, by section 10 of the Dog Control Amendment Act 2006 (2006 No 23).

Prohibition on import of certain dogs

Heading: inserted, on 1 December 2003, by section 17 of the Dog Control Amendment Act 2003 (2003 No 119).

30A Prohibition on import of dogs listed in Schedule 4

(1) No person may import into New Zealand any dog that belongs wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4.

(2) No person may import a dog into New Zealand unless the dog is accompanied by—

(a) evidence of registration in New Zealand; or

(b) an exempting statutory declaration.

(3) The exempting statutory declaration required by subsection (2)(b) must also be accompanied by a veterinarian's certificate in relation to the dog that—

(a) is issued—

(i) in the country from which the dog is imported or is to be imported; and

(ii) by a veterinarian registered in that country; and

(iii) before the arrival of the dog in New Zealand; and

(b) is to the effect that to the best of the veterinarian's knowledge and belief, the dog is not a dog listed in Schedule 4.

(4) Every person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $3,000.

(5) Subsections (1) and (2)(b) do not apply in respect of—

(a) any dog—

(i) performing the same function as a disability assist dog (if the dog has been certified as being trained to perform that function by a recognised organisation in the country where the person who the dog assists usually resides); and

(ii) accompanying and assisting that person or accompanying a person genuinely engaged in the dog's training; or

(b) any dog—

(i) that is kept, used, or certified for use by a specified agency; and

(ii) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

(6) In this section,—

dog includes the embryo, ova, or semen of a dog that belongs wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4

exempting statutory declaration, in relation to any dog, means a statutory declaration—

(a) that is made in New Zealand by or on behalf of the importer of the dog; and

(b) that is to the effect that, to the best of the knowledge and belief of the importer of the dog or of the importer's agent, the dog does not belong wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4.

Section 30A: inserted, on 1 December 2003, by section 17 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 30A(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30A(5): amended, on 30 November 2022, by section 32 of the Statutes Amendment Act 2022 (2022 No 75).

Section 30A(5)(a): substituted, on 28 June 2006, by section 11 of the Dog Control Amendment Act 2006 (2006 No 23).

Dangerous dogs

31 Territorial authority to classify dangerous dogs

(1) A territorial authority must classify a dog as a dangerous dog if—

(a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or

(b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or

(c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

(2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.

(3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.

(4) In considering any objection under this section, the territorial authority shall have regard to—

(a) the evidence which formed the basis for the original classification; and

(b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and

(c) the matters advanced in support of the objection; and

(d) any other relevant matters—

and may uphold or rescind the classification.

(5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

Section 31(1): substituted, on 7 July 2010, by section 4 of the Dog Control Amendment Act 2010 (2010 No 62).

32 Effect of classification as dangerous dog

(1) If a dog is classified as a dangerous dog under section 31, the owner of the dog—

(a) must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and

(b) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being—

(i) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(ii) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)); and

(c) must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a veterinarian and certifying—

(i) that the dog is or has been neutered; or

(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

(d) must, if a certificate under paragraph (c)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and

(e) must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and

(f) must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.

(2) Every person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $3,000.

(3) If a court convicts a person of an offence against subsection (2), the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.

(4) Every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous

dog without disclosing the fact of that classification to that other person commits an offence and is liable on conviction to a fine not exceeding $3,000.

(5) If a person fails to comply with subsection (1), a dog control officer or dog ranger may—

(a) seize and remove the dog from the person's possession; and

(b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with subsection (1).

(6) Section 70 applies to a dog removed under subsection (5) as if it were removed under section 56; and accordingly section 70 applies with all necessary modifications.

Section 32: substituted, on 1 December 2003, by section 19 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 32(1)(c): amended, on 28 June 2006, by section 29(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 32(1)(d): amended, on 7 July 2004, by section 9(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(1)(e): amended, on 7 July 2004, by section 9(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 32(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

32A Dangerous dog classification to extend over New Zealand

(1) Every classification as a dangerous dog under section 31 is in force throughout New Zealand.

(2) This section is for the avoidance of doubt.

Section 32A: inserted, on 28 June 2006, by section 12 of the Dog Control Amendment Act 2006 (2006 No 23).

33 Territorial authority's consent to disposal of dangerous dog

No territorial authority shall give its consent under section 32(1)(f) to the disposal to any person of a dog that is classified as a dangerous dog unless the territorial authority is satisfied that the purchaser or transferee—

(a) is not a person classified under section 21 as a probationary owner; and

(b) is not a person who is disqualified under section 25(1)(b) and (c); and

(c) is aware that the dog is classified as a dangerous dog; and

(d) is aware of the obligations imposed by section 32 on the owner of a dog that is classified as a dangerous dog.

Section 33(b): amended, on 1 December 2003, by section 20 of the Dog Control Amendment Act 2003 (2003 No 119).

Menacing dogs

Heading: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

33A Territorial authority may classify dog as menacing

(1) This section applies to a dog that—

(a) has not been classified as a dangerous dog under section 31; but

(b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

(i) any observed or reported behaviour of the dog; or

(ii) any characteristics typically associated with the dog's breed or type.

(2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.

(3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—

(a) the classification; and

(b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and

(c) the right to object to the classification under section 33B; and

(d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Section 33A: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33A(3): amended, on 1 November 2004, by section 10 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

33B Objection to classification of dog under section 33A

(1) If a dog is classified under section 33A as a menacing dog, the owner—

(a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and

(b) has the right to be heard in support of the objection.

(2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—

(a) the evidence which formed the basis for the classification; and

(b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and

(c) the matters relied on in support of the objection; and

(d) any other relevant matters.

(3) The territorial authority must, as soon as practicable, give written notice to the owner of—

(a) its determination of the objection; and

(b) the reasons for its determination.

Section 33B: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

33C Dogs belonging to breed or type listed in Schedule 4 to be classified as menacing

(1) A territorial authority must, for the purposes of section 33E(1)(a), classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4.

(2) If a dog is classified as menacing under subsection (1), the territorial authority must immediately give written notice in the prescribed form to the owner of—

(a) the classification; and

(b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and

(c) the right to object to the classification under section 33D.

Section 33C: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33C(2): amended, on 1 November 2004, by section 11 of the Dog Control Amendment Act 2004 (2004 No 61).

33D Objection to classification of dog under section 33C

(1) If a dog is classified as a menacing dog under section 33C, the owner—

(a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and

(b) has the right to be heard in support of the objection.

(2) If an owner objects to the classification, he or she must provide evidence that the dog is not of a breed or type listed in Schedule 4.

(3) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—

(a) the evidence which formed the basis for the classification; and

(b) the matters relied on in support of the objection; and

(c) any other relevant matters.

(4) The territorial authority must, as soon as practicable, give written notice to the owner of—

(a) its determination of the objection; and

(b) the reasons for its determination.

Section 33D: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

33E Effect of classification as menacing dog

(1) If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog—

(a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—

(i) that the dog is or has been neutered; or

(ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

(c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

Section 33E: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33E(1)(b): amended, on 28 June 2006, by section 29(4) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(2): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(3): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(4): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(5): amended, on 7 July 2004, by section 12 of the Dog Control Amendment Act 2004 (2004 No 61).

33EA Menacing dog classification to extend over New Zealand

(1) Every classification as a menacing dog under section 33A or 33C is in force throughout New Zealand.

(2) This section is for the avoidance of doubt.

Section 33EA: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33EB Territorial authority (other than classifying authority) may require neutering of menacing dog

(1) This section applies if—

(a) a dog is classified by a territorial authority as a menacing dog under section 33A or 33C; and

(b) the territorial authority does not require it to be neutered under section 33E(1)(b); and

(c) the dog is later registered with any other territorial authority.

(2) No later than 1 month after the dog is registered with the other territorial authority, that territorial authority may require, by written notice, the owner of the dog to produce to the territorial authority a certificate issued by a veterinarian certifying—

(a) that the dog has been neutered; or

(b) that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.

(3) The owner must produce the certificate to the territorial authority no later than 1 month after receiving the notice.

(4) If a certificate under subsection (2)(b) is produced to the territorial authority, the owner of the dog must produce to the territorial authority, no later than 1 month after the date specified in that certificate, a further certificate under subsection (2).

Section 33EB: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33EC Offence to fail to comply with section 33E(1) or 33EB

(1) Every person who fails to comply with section 33E(1) or 33EB commits an offence and is liable on conviction to a fine not exceeding $3,000.

(2) If a person fails to comply with section 33E(1) or 33EB, a dog control officer or dog ranger may—

(a) seize and remove the dog concerned from the person's possession; and

(b) retain custody of the dog until—

(i) the dog control officer or dog ranger is satisfied that the person has demonstrated a willingness to comply with section 33E(1) or 33EB (as the case may be); or

(ii) the dog is disposed of under section 71A.

Section 33EC: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33EC(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Dangerous and menacing dogs

Heading: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33ED Territorial authority to classify certain dogs as dangerous or menacing

(1) A territorial authority must classify a dog as a dangerous dog under section 31 or a menacing dog under section 33A if—

(a) the owner of the dog has been convicted of an offence against section 57(2) or 57A(2)(a); and

(b) no destruction order for the dog has been made by the court concerned.

(2) Subsection (1) applies unless the territorial authority is satisfied that the circumstances of the attack, rush, or startle by the dog (being the circumstances relating to the offence for which the owner was convicted)—

(a) were exceptional; and

(b) do not, in the territorial authority's opinion, justify classifying the dog as dangerous or menacing.

Section 33ED: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33F Owner must advise person with possession of dangerous or menacing dog of requirement to muzzle and leash dog in public

(1) This section applies to an owner whose dog has been classified as—

(a) dangerous under section 31; or

(b) menacing under section 33A or section 33C.

(2) If the dog is in the possession of another person for a period not exceeding 72 hours, the owner must advise the person of the requirement to comply with section 32(1)(b) or section 33E(1)(a), as the case may be (which relate to the requirement to muzzle and leash the dog in public).

(3) Every person who fails to comply with subsection (2) commits an offence and is liable on conviction to a fine not exceeding $500.

Section 33F: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33F(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Registration and registration fees

34 Dogs register

(1) Every territorial authority shall keep a register of all dogs registered with it under this Act.

(2) The register shall contain the following information in respect of each dog:

(a) the full name, date of birth, and address of the owner of the dog:

(b) the address at which the dog is ordinarily kept:

(c) a description of the dog, which may include the breed, colour, and any distinguishing marks:

(d) the age of the dog:

(da) whether the dog is a working dog within the meaning of paragraph (b)(ii) of the definition of working dog in section 2:

(e) whether the dog is classified as a dangerous dog under section 31:

(ea) whether the dog is classified as a menacing dog under section 33A or section 33C and the relevant provision under which the classification is made:

(f) the sex of the dog, including whether the dog is neutered or not:

(g) a description of any tattoo, or the unique identifier of any microchip transponder, that provides permanent identification of the dog:

(h) the registration number of the collar, label, or disc issued for that dog:

(i) such other relevant information as the territorial authority considers necessary for the purposes of this Act.

(2A) A territorial authority may include in the register any information referred to in subsection (2) in relation to any dog—

(a) that has previously been, but is not currently, registered with it; or

(b) that is known or believed to be kept in its district.

(3) The territorial authority shall provide a sufficient number of places in its district, and, if necessary outside its district, at which dogs may be registered.

(4) There must be kept at every place of registration—

(a) a supply of labels or discs numbered consecutively and marked with the name of the district and the year for which they are issued; and

(b) a supply of specially marked collars, labels, or discs identifying dogs exempt from microchip implantation under section 36(1A).

(5) There shall also be kept for sale at every place of registration a supply of dog collars.

(6) A territorial authority may comply with this section by entering the required information directly into the national dog control information database referred to in section 35A.

Compare: 1982 No 42 s 35(1)–(3), (6), (7)

Section 34(2)(a): amended, on 28 June 2006, by section 15(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(2)(da): inserted, on 28 June 2006, by section 15(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(2)(ea): inserted, on 1 December 2003, by section 22(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 34(2)(g): substituted, on 1 December 2003, by section 22(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 34(2A): inserted, on 28 June 2006, by section 15(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(4): substituted, on 28 June 2006, by section 15(4) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(6): substituted, on 7 July 2004, by section 13 of the Dog Control Amendment Act 2004 (2004 No 61).

35 Supply of register information

(1) The territorial authority shall not disclose, otherwise than in accordance with this section, information which is recorded in the register established under section 34 or in any application for registration under section 36 and which—

(a) identifies, or will assist any person to identify, the name and address of the registered owner of any specified dog; or

(b) identifies, or will assist any person to identify, the address at which any specified dog is ordinarily kept.

(2) Subject to subsection (6), if—

(a) any constable; or

(b) any officer of the Department of Conservation; or

(c) any territorial authority; or

(d) any society established for the prevention of cruelty to animals or for animal welfare purposes; or

(e) any inspector under the Animal Welfare Act 1999; or

(f) any veterinarian; or

(g) any inspector under the Biosecurity Act 1993,—

requests, for any lawful purpose, the name and address of the registered owner of any specified dog or the names and addresses of the registered owners

of dogs of any specified description or any other information recorded in the register in respect of that dog or dogs of that description, the territorial authority shall comply with the request.

(3) Any person may apply to the territorial authority, in the prescribed form, for the name and address of the registered owner of any specified dog.

(4) Where any person applies under subsection (3), and the territorial authority is satisfied of that person's identity and that the information is required for a purpose specified in any of the provisions of paragraphs (a) to (e) of subsection (5) or referred to in paragraph (f) of that subsection, the territorial authority shall provide that information.

(5) For the purposes of subsection (4), the purposes for which any person shall be entitled to be informed of the name and address of the registered owner of any specified dog shall be,—

(a) in relation to any charge concerning an offence or alleged offence against the Animal Welfare Act 1999 or this Act or any regulations or bylaws made under this Act:

(b) in relation to any request or claim for costs or compensation in respect of damage to property done or caused, or alleged to have been done or caused, by the dog:

(c) in order to return the dog to its owner under section 52(4) or section 59(2) or section 60(2) where, in the opinion of the territorial authority, it is not desirable or not practicable for the dog to be delivered into the custody of a dog control officer or dog ranger:

(d) in order to advise the owner of the destruction of the dog under section 59 or section 60:

(e) in order to make a complaint under section 61(1):

(f) any other purpose specified in relation to the dogs register—

(i) *[Repealed]*

(ii) in regulations made under section 78.

(6) A territorial authority that complies with section 34(6) is not required to answer any request made under subsection (2)(c). Instead the request must be treated as a request made to the territorial authority referred to in section 35A(2).

Section 35(2): amended, on 7 July 2004, by section 14(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 35(2)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 35(2)(e): amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 35(2)(f): amended, on 28 June 2006, by section 29(6) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 35(5)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 35(5)(a): amended, on 1 January 2000, pursuant to section 198 of the Animal Welfare Act 1999 (1999 No 142).

Section 35(5)(f)(i): repealed, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 35(6): added, on 7 July 2004, by section 14(2) of the Dog Control Amendment Act 2004 (2004 No 61).

35A National dog control information database

(1) For the purposes of compiling and maintaining a national dog control information database, a territorial authority must provide to a person or organisation nominated by the Secretary for Local Government, in electronic form, the information that the territorial authority is required to keep under sections 30(1) and 34(2)(a) to (h) (which relates to offences, infringement notices, probationary and disqualified dog owners, and dog registration).

(2) For the purpose of sections 30(2) and 35(2)(c),—

(a) the person or organisation responsible for the database must be treated as if the person or organisation were a territorial authority; and

(b) the information that the person or organisation holds under subsection (1) must be treated as if it were information that was collected for the purposes of sections 30 and 35; and

(c) the person or organisation must be treated as if the person or organisation were permitted to disclose the information it holds only—

(i) to any other territorial authority; and

(ii) by either—

(A) disclosing the information to the territorial authority in accordance with sections 30(2) and 35(2)(c); or

(B) allowing the territorial authority to access the information directly from the person's or organisation's database.

(3) Despite subsection (2), the person or organisation may supply the information that it holds to the Secretary for Local Government for the purposes of evaluating dog control policy in New Zealand, as long as the information does not allow the identification of individual records of dog owners or dogs.

Section 35A: inserted, on 7 July 2004, by section 15 of the Dog Control Amendment Act 2004 (2004 No 61).

35AB National dog control information database may contain additional information supplied by territorial authority

(1) The person or organisation responsible for the national dog control information database under section 35A may include in the database any information that a territorial authority—

(a) holds under section 34(2)(i); and

(b) chooses to provide to the person or organisation.

(2) Without limiting the information that the person or organisation responsible for the database may include in the database under subsection (1), the person or organisation may include any information a territorial authority provides that relates to any of the following:

(a) any dog identifier used by the territorial authority:

(b) the year a dog is born:

(c) the year a dog dies:

(d) contact details of a dog owner.

(3) Any information provided under this section to the person or organisation responsible for the database is subject to the same limits on disclosure by the person or organisation as the information provided to the person or organisation under section 35A.

Section 35AB: inserted, on 7 July 2004, by section 15 of the Dog Control Amendment Act 2004 (2004 No 61).

35B Levy to fund costs of national dog control information database

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, impose a levy on territorial authorities in each financial year to fund the costs of maintaining the national dog control information database.

(2) Subsection (1) does not apply to the costs of establishing the national dog control information database.

(3) The order—

(a) must specify the amount of the levy or the way that the levy must be calculated; and

(b) may authorise—

(i) the deduction of over-recoveries in respect of a financial year from a levy payable in subsequent financial years; or

(ii) the addition of under-recoveries in respect of a financial year to a levy payable in subsequent financial years; and

(c) may prescribe how and when the levy must be paid or collected.

(4) A territorial authority must pay a levy required by an order made under subsection (1).

(5) The amount of unpaid levy is recoverable in a court of competent jurisdiction as a debt due to the Crown.

(6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Section 35B: inserted, on 30 September 2006, by section 23 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 35B(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 35B(6): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

36 Application for registration

(1) Except as provided in subsections (2) and (3), every person who owns a dog shall make an application to the territorial authority in whose district the dog is ordinarily kept to register the dog not later than the first day of every registration year.

(1A) Every person who owns a dog classified as a working dog under paragraph (b)(ii) of the definition of working dog in section 2 must identify the dog accordingly in the application to register the dog.

(2) Where a dog is of the age of 3 months or less, the application to register the dog shall be made before the dog attains the age of 3 months.

(3) Where an unregistered dog is purchased or otherwise acquired, the application to register the dog shall be made forthwith or before the day on which the dog attains the age of 3 months, whichever is the later.

(4) Every application to register a dog shall be made in the prescribed form and shall be signed by the owner of the dog.

(5) The territorial authority shall supply every owner from whom it has received an application form with—

(a) a copy of the application form or a statement setting out—

(i) the obligations of the owner under sections 52 and 54; and

(ii) any other obligations imposed on the owner; and

(iii) such other information (if any) relating to the administration of this Act as the territorial authority considers desirable; and

(b) a copy of the policy for the time being in force under section 10.

Compare: 1982 No 42 s 36; 1990 No 27 s 43

Section 36(1A): inserted, on 28 June 2006, by section 16 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36(3): amended, on 7 July 2004, by section 16 of the Dog Control Amendment Act 2004 (2004 No 61).

36A Microchip transponder must be implanted in certain dogs

(1) This section applies to a dog that—

(a) is classified as dangerous under section 31 on or after 1 December 2003; or

(b) is classified as menacing under section 33A or section 33C on or after 1 December 2003; or

(c) is registered for the first time on or after 1 July 2006.

(2) The owner of the dog must, for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner.

(2A) Subsection (2) does not apply to a dog as defined in paragraph (b)(ii) of the definition of working dog in section 2 registered as a working dog under section 46(1) and wearing a collar, label, or disc as provided in section 34(4)(b).

(3) Subsection (2) is complied with by the owner,—

(a) for a dog that is classified as dangerous or menacing, by making the dog available, in accordance with the reasonable instructions of the territorial authority, for verification that it has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location:

(b) for a dog that is registered for the first time on or after 1 July 2006, by—

(i) making the dog available, in accordance with the reasonable instructions of the territorial authority, for verification that it has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or

(ii) providing to the territorial authority a certificate issued by a veterinarian certifying—

(A) that the dog is or has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or

(B) that, for the reasons that are specified in the certificate, the dog will not be in a fit condition to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed location before a date specified in the certificate.

(3A) A certificate issued by a veterinarian under subsection (3)(b)(ii) must include the following information:

(a) the unique identifier of the microchip transponder (if subsection (3)(b)(ii)(A) applies); and

(b) the name and sex of the dog; and

(c) a physical description of the dog, which may include the breed, the colour, and any distinguishing marks; and

(d) if the dog is registered, the registration number of the label or disc issued for the dog; and

(e) the name, date of birth, and address of the owner of the dog.

(4) If a certificate under subsection (3)(b)(ii)(B) is produced to the territorial authority, the owner must produce to the territorial authority, within 1 month after the date specified in the certificate, a further certificate under subsection (3)(b)(ii).

(5) The owner must comply with subsection (2)—

(a) within 2 months from 1 July 2006, if the dog is classified as dangerous or menacing on or after 1 December 2003 but before 1 July 2006; or

(b) within 2 months after the date on which the dog is classified as dangerous or menacing or is registered (as the case may be), in any other case.

(5A) Subsection (2) does not apply if—

(a) as a requirement of this Act, the dog has been previously implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or

(b) in any other case, the territorial authority has verified that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

(6) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who fails to comply with subsection (2) or subsection (5).

(7) *[Repealed]*

Section 36A: inserted, on 1 July 2006, by section 24 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 36A(2A): inserted (with effect on 1 July 2006), on 28 June 2006, by section 17 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36A(3): substituted (with effect on 1 July 2006), on 7 July 2004, by section 17(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(3A): inserted (with effect on 1 July 2006), on 7 July 2004, by section 17(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(4): amended (with effect on 1 July 2006), on 28 June 2006, by section 18(1)(a) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36A(4): amended (with effect on 1 July 2006), on 28 June 2006, by section 18(1)(b) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36A(5): substituted (with effect on 1 July 2006), on 7 July 2004, by section 17(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(5A): inserted (with effect on 1 July 2006), on 7 July 2004, by section 17(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 36A(7): repealed (without coming into force), on 28 June 2006, by section 18(2) of the Dog Control Amendment Act 2006 (2006 No 23).

37 Territorial authority to set fees

(1) The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.

(2) Any resolution made under subsection (1) may—

(a) fix fees for neutered dogs that are lower than the fee for dogs that have not been neutered:

(b) fix fees for working dogs that are lower than the fee for any other dog, and may limit the number of working dogs owned by any person which qualify for lower fees under this section:

(c) fix different fees for the various classes of working dogs:

(d) fix fees for dogs under a specified age (not exceeding 12 months) that are lower than the fee that would otherwise be payable for those dogs:

(e) fix, for any dog that is registered by any person who demonstrates to the satisfaction of any dog control officer that that person has a specified level of competency in terms of responsible dog ownership, a fee that is lower than the fee that would otherwise be payable for that dog:

(f) fix by way of penalty, subject to subsection (3), an additional fee, for the registration on or after the first day of the second month of the registration year or such later date as the authority may fix, of any dog that was required to be registered on the first day of that registration year:

(g) fix a fee for the issue of a replacement registration label or disc for any dog.

(3) Any additional fee by way of penalty fixed under subsection (2)(f) shall not exceed 50% of the fee that would have been payable if the dog had been registered on the first day of the registration year.

(4) In prescribing fees under this section, the territorial authority shall have regard to the relative costs of the registration and control of dogs in the various categories described in paragraphs (a) to (e) of subsection (2), and such other matters as the territorial authority considers relevant.

(5) Where any 2 or more territorial authorities have formed a joint standing or joint special committee in accordance with section 7, the resolution of that committee under subsection (1) may fix different fees in respect of dogs kept in the different districts, having regard to the costs of registration and dog control in the districts concerned.

(6) The territorial authority shall, at least once during the month preceding the start of every registration year, publicly notify the dog control fees fixed for the registration year.

(7) Failure by the territorial authority to give the public notice required by subsection (6), or the occurrence of any error or misdescription in such public notice, shall not affect the liability of any person to comply with this Act or to pay any fee that is prescribed by the territorial authority under subsection (1).

(8) No increase in the dog control fees for any year shall come into effect other than at the commencement of that year.

(9) This section shall come into force on the day on which this Act receives the Royal assent.

Compare: 1982 No 42 s 49; 1990 No 27 s 44

Section 37(6): amended, on 6 June 2026, by section 205 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

38 Registration fee for certain dogs registered on or after 2 August

(1) A territorial authority must reduce the registration fee for a dog, but only if, in a registration year,—

(a) the dog is less than 3 months old on or after 2 August; or

(b) the dog is imported into New Zealand for the first time on or after 2 August.

(2) The fee payable for the dog under subsection (1) must be calculated by—

(a) dividing the registration fee payable for a full year by 12; and

(b) multiplying that amount by the number of complete months remaining in the registration year.

Section 38: substituted, on 28 June 2006, by section 19 of the Dog Control Amendment Act 2006 (2006 No 23).

39 Refund and reduction of fees

(1) Where the fee for the registration of any dog for any year is paid and the dog dies before the commencement of or during that year, the territorial authority shall refund, upon request, in the case of a dog that dies before the commencement of the year, the full fee paid, and, in the case of a dog that dies during the year, the appropriate part of that fee.

(2) The part fee refundable under subsection (1) shall be calculated on the basis of the number of complete months remaining in the registration year after the date of the request for the refund.

(3) Notwithstanding anything in this or any other provision of this Act, the territorial authority may remit, reduce, or refund the dog control fee or part of the fee in any particular case or class of cases by reason of the financial circumstances of the owner or where it is satisfied that there are special grounds for doing so.

Compare: 1982 No 42 s 51; 1990 No 27 s 46

40 Proof of class of dog

(1) Where the territorial authority fixes a fee for the registration of a working dog that is lower than that fixed for a dog that is not a working dog, any person claiming to register any dog as a working dog shall, if so required by the territorial authority, make a written statement that the dog is a working dog of a specified class.

(2) Where the territorial authority fixes a fee for the registration of a neutered dog that is lower than that fixed for a dog that has not been neutered, any person

claiming to register a neutered dog shall, if so required by the territorial authority, produce to the territorial authority a certificate issued by a veterinarian and certifying that the dog has been neutered.

Compare: 1982 No 42 s 37

Section 40(2): amended, on 28 June 2006, by section 29(7) of the Dog Control Amendment Act 2006 (2006 No 23).

41 Penalty for false statement relating to application for registration

Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who, in making an application for the registration of a dog, makes any written statement knowing that statement to be false.

Compare: 1982 No 42 s 38

Section 41: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 41: amended, on 1 December 2003, by section 25 of the Dog Control Amendment Act 2003 (2003 No 119).

41A Dead dogs

Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who makes any written statement to a territorial authority to the effect that a dog is dead knowing that statement to be false.

Section 41A: inserted, on 28 June 2006, by section 20 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 41A: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

42 Offence of failing to register dog

(1) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who is the owner of a dog of a greater age than 3 months unless the dog is registered under this Act for the current registration year.

(2) If a territorial authority has reasonable grounds to believe that a person has failed to comply with subsection (1), a dog control officer or dog ranger may—

(a) seize and impound the dog; and

(b) for the purposes of paragraph (a), enter, at any reasonable time, any land or premises (except a dwellinghouse) occupied by the owner of the dog.

(3) This section does not apply to any person operating a pound or facility, or having custody of an unregistered dog for the purposes of—

(a) impounding the dog under this Act; or

(b) confining the dog in a transitional facility or containment facility approved under section 39 of the Biosecurity Act 1993; or

(c) keeping the dog in the custody of a society established to prevent cruelty to animals pending the dog's—

(i) recovery by its owner; or

(ii) disposal to a new owner.

(4) However,—

(a) a person to whom subsection (3)(a) applies must not dispose of a dog other than in accordance with section 69A; and

(b) a person to whom subsection (3)(b) or subsection (3)(c) applies must not dispose of a dog (other than by destroying it), unless the dog is first registered under this Act.

Compare: 1982 No 42 s 39

Section 42: substituted, on 1 December 2003, by section 26 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 42(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 42(1): amended, on 28 June 2006, by section 21 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 42(3): substituted, on 7 July 2004, by section 18 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 42(4): added, on 7 July 2004, by section 18 of the Dog Control Amendment Act 2004 (2004 No 61).

43 Registration of impounded dog, dog in quarantine, or dog in custody of society established to prevent cruelty to animals

[Repealed]

Section 43: repealed, on 7 July 2004, by section 19 of the Dog Control Amendment Act 2004 (2004 No 61).

44 Dog not wearing proper label or disc deemed unregistered

Any dog not wearing a collar having a current registration label or disc attached shall, until the contrary is proved, be deemed to be unregistered.

Compare: 1982 No 42 s 41

45 Burden of proof on owner of dog

In any proceedings under this Act the proof that a dog was duly registered, or is not over the age of 3 months, shall be on the defendant.

Compare: 1982 No 42 s 42

46 Issue of label or disc and completion of registration

(1) On receipt of the properly completed application form and the applicable dog control fee, the territorial authority shall, unless the registration of that dog in the ownership of that person would be in breach of section 23 or section 28, issue to the owner of the dog a receipt for the fee paid and a label or disc for the registration year, and, upon the issue of such label or disc, registration shall be deemed to have been duly made.

(2) The owner of the dog shall ensure that the label or disc issued by the territorial authority is attached to a collar worn on the neck of the dog so registered.

(3) If the authority is satisfied that a current label or disc for any dog has been lost, stolen, damaged, or destroyed, it shall, on receipt of the appropriate fee, issue a replacement label or disc.

(4) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who procures or attempts to procure a replacement label or disc for any dog knowing that a current label or disc for that dog has not been lost or stolen.

Compare: 1982 No 42 s 43

Section 46(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 46(4): amended, on 1 December 2003, by section 27 of the Dog Control Amendment Act 2003 (2003 No 119).

47 Registration to extend over New Zealand

Every registration made under this Act shall be in force throughout New Zealand.

Compare: 1982 No 42 s 44

48 Change of ownership of dog

(1) Where the ownership of any dog is changed, any registration of the dog shall continue in force, but the previous owner and the new owner shall each within 14 days give written notice to the territorial authority or territorial authorities concerned of the change of ownership and of the residential address of the new owner and the address at which the dog will ordinarily be kept.

(2) Where the dog is registered, the territorial authority or territorial authorities concerned shall, without fee, record the changes in their registers and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.

(3) Every person commits an offence and is liable on conviction to a fine not exceeding $500 who fails to comply with the requirements of subsection (1).

(4) It shall be a defence to a charge of failing to comply with the requirements of subsection (1) if the defendant satisfies the court that the previous owner or the new owner, as the case may be, complied with the requirements of that subsection.

Compare: 1982 No 42 s 45

Section 48 heading: amended, on 28 June 2006, by section 22 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 48(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 48(3): amended, on 1 December 2003, by section 28 of the Dog Control Amendment Act 2003 (2003 No 119).

49 Transfer of dog from one address or district to another

(1) Where the owner of any dog changes his or her address within the district of a territorial authority, he or she shall, within 14 days, give notice in writing of his or her change of address to the territorial authority.

(2) Where any dog is transferred to and is kept, for a period of 1 month or more, in any territorial authority district other than that in which it has been kept, the owner shall, within 6 weeks of the transfer, give notice in writing of the transfer to the territorial authority in whose district the dog has been kept and to the territorial authority to whose district the dog is transferred, setting out the address at which the dog will ordinarily be kept.

(3) Where the dog is registered, the territorial authority or territorial authorities concerned shall, without fee, record the changes in its register or their registers, and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.

(4) Every person commits an offence and is liable on conviction to a fine not exceeding $500 who fails to comply with subsection (1) or subsection (2).

Compare: 1982 No 42 s 46

Section 49(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 49(4): amended, on 1 December 2003, by section 29 of the Dog Control Amendment Act 2003 (2003 No 119).

50 Dog not wearing proper label or disc may be impounded

(1) Where any dog over the age of 3 months not wearing a collar having a current registration label or disc attached is found on any land or premises other than the land or premises of the owner of the dog, or any such dog is found in any public place,—

(a) any dog control officer or dog ranger may seize and impound the dog; or

(b) the occupier or person in charge of the land, premises, or public place may seize the dog and deliver it to the custody of a dog control officer or dog ranger for impounding.

(2) Nothing in this section shall authorise any person to seize any dog that is under the control of any other person.

(3) Nothing in this section shall authorise any dog control officer or dog ranger to enter on any land or premises other than a public place without the consent (express or implied) of the occupier or person in apparent charge of the land or premises.

Compare: 1982 No 42 s 47

51 Offences relating to collars, labels, and discs

(1) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who, with intent to deceive,—

(a) removes from a dog a collar bearing a label or disc issued under this Act; or

(b) removes any such label or disc attached to any collar worn by any dog; or

(c) attaches to any dog or has in that person's keep any dog wearing any such label or disc issued in respect of another dog; or

(d) makes or counterfeits or, knowing the same to be false or counterfeit, purchases, uses, or has in that person's possession, any label or disc resembling or apparently intended to resemble or pass for a label or disc issued under this Act.

(2) Where a person is convicted of an offence against paragraph (a) or paragraph (b) of subsection (1), and the dog has been impounded in consequence of the removal of that collar, label, or disc, the court may order that person to pay to the owner any fees payable by the owner relating to the impounding of the dog and, if the dog has been sold or destroyed, the full value of that dog as determined by the court.

Compare: 1982 No 42 s 48

Section 51(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 51(1): amended, on 1 December 2003, by section 30 of the Dog Control Amendment Act 2003 (2003 No 119).

Obligations of owner

52 Control of dogs generally

(1) The owner of any dog shall keep that dog under control at all times.

(2) Without limiting the generality of subsection (1), a dog shall, for the purposes of this Act, be deemed to be not under control—

(a) if it is found at large on any land or premises other than a public place or a private way without the consent (express or implied) of the occupier or person in charge of that land or those premises; or

(b) if it is found at large in any public place or in any private way in contravention of any secondary legislation.

(3) Where a dog is not under control in terms of subsection (2), the dog control officer or dog ranger may seize the dog and cause it to be returned to its owner or impounded.

(3A) A dog control officer or dog ranger in fresh pursuit of a dog that has been not under control in terms of subsection (2) may, at any reasonable time, enter on any land or premises (except a dwellinghouse) to seize and impound a dog if—

(a) the dog is identified by the dog control officer or dog ranger; and

(b) the dog is not under the control of any person or otherwise constrained; and

(c) no person, other than a person under the age of 16 years, is present.

(4) Where, in the opinion of—

(a) the occupier of any land or premises, or of any other person acting with the authority of such occupier (whether express or implied); or

(b) any person in any public place or in any private way,—

a dog is likely to cause annoyance or distress to any person or animal or damage to any property on the land or premises or in any public place or in any private way, the occupier or person may seize the dog and cause the dog to be returned to its owner, or to be delivered into the custody of a dog control officer or dog ranger.

(5) Nothing in subsection (4) authorises any person to seize any dog that is under the direct control of any other person.

(6) Where a dog is, under subsection (4), delivered into the custody of a dog control officer or dog ranger, the dog control officer or dog ranger may cause the dog to be returned to its owner or impounded.

(7) Except as provided in subsection (3A), nothing in this section shall authorise a dog control officer or dog ranger to enter upon any land or premises other than a public place or a private way for the purposes of this section without the consent (express or implied) of the occupier or person for the time being in apparent charge of that land or those premises.

Compare: 1982 No 42 s 52

Section 52 heading: amended, on 1 December 2003, by section 31(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 52(2)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 52(3A): inserted, on 1 December 2003, by section 31(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 52(7): amended, on 1 December 2003, by section 31(3) of the Dog Control Amendment Act 2003 (2003 No 119).

52A Control of dog on owner's property

(1) This section applies when a dog is on land or premises occupied by its owner.

(2) The owner of a dog must, at all times, ensure that either—

(a) the dog is under the direct control of a person; or

(b) the dog is confined within the land or premises in such a manner that it cannot freely leave the land or premises.

(3) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who fails to comply with subsection (2).

(4) If a person fails to comply with subsection (2), a dog control officer or dog ranger may—

(a) seize and impound the dog; and

(b) for the purposes of paragraph (a), enter, at any reasonable time, the land or premises (except a dwellinghouse) owned or occupied by the owner of the dog.

Section 52A: inserted, on 1 June 2004, by section 32 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 52A(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

53 Offence of failing to keep dog under control

(1) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who, being the owner of a dog, fails to keep that dog under control.

(2) Notwithstanding section 52(2)(b), an owner of a dog does not commit an offence against subsection (1) by reason only of the dog being found at large in a public place in contravention of any secondary legislation.

Section 53(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(1): amended, on 1 December 2003, by section 33 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 53(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

54 Obligations of dog owner

(1) The owner of any dog shall—

(a) ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water, and shelter; and

(b) ensure that the dog receives adequate exercise.

(2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding $5,000 who, being the owner of any dog, fails to comply with subsection (1).

Compare: 1982 No 42 s 53

Section 54(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

54A Owner must use or carry leash in public

(1) The owner of a dog must carry a leash when in a public place if—

(a) the dog is with the owner; and

(b) the dog is not otherwise required to be controlled on a leash by or under this Act or any other enactment.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $500 who, being the owner of a dog, fails to comply with subsection (1).

(3) This section does not apply to the owner of a working dog in relation to the working dog.

Section 54A: inserted, on 1 December 2003, by section 34 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 54A(1): substituted, on 7 July 2004, by section 20(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 54A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 54A(3): amended, on 7 July 2004, by section 20(2) of the Dog Control Amendment Act 2004 (2004 No 61).

55 Barking dogs

(1) Where a dog control officer or dog ranger has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of any dog, the dog control officer or dog ranger may—

(a) enter at any reasonable time upon the land or premises, other than a dwellinghouse, on which the dog is kept, to inspect the conditions under which the dog is kept; and

(b) whether or not the dog control officer or dog ranger makes such entry, give the owner of the dog a written notice requiring that person to make such reasonable provision on the property to abate the nuisance as shall be specified in the notice or, if considered necessary, to remove the dog from the land or premises.

(2) Any person on whom notice is served under subsection (1) may, within 7 days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice.

(3) The territorial authority shall consider the objection and may confirm, modify, or cancel the notice.

(4) No objection under this section shall be considered unless 7 days' notice of the date and time when and the place at which it is to be considered have been given to the objector, who shall be entitled to be represented and to be heard and may submit evidence and call witnesses in support of his or her objection.

(5) Upon the determination of the objection, the territorial authority shall give to the objector a further notice stating the decision of the authority, and, if the effect of the decision is to modify the requirements of the dog control officer or dog ranger, shall set out those requirements as so modified.

(6) As from the lodging of an objection with the territorial authority, and pending the receipt of a further notice upon the determination of the objection, the notice setting out the requirements that are the subject of the objection shall be deemed to be suspended.

(7) Every person commits an offence and is liable on conviction to a fine not exceeding $1,500 who, having been served with a notice under this section,—

(a) fails or neglects to comply with that notice (not being a notice that has been suspended under subsection (6)) within 7 days of its receipt by that person:

(b) fails or neglects to comply with any notice as modified or confirmed by a territorial authority under subsection (3) within the time specified by the territorial authority.

Compare: 1982 No 42 s 54

Section 55(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

56 Removal of barking dog causing distress

(1) This section shall apply in any case where, at any time after a notice under section 55 has been issued,—

(a) the notice has not been cancelled under subsection (3) of that section; and

(b) the notice has not been complied with; and

(c) a dog control officer or dog ranger has received a further complaint and has reasonable grounds for believing that the nuisance in respect of which the notice is issued is continuing and is causing distress to any person.

(2) In any case to which subsection (1) applies, the dog control officer or dog ranger may enter upon the land or premises on which the dog is kept and remove the dog and the dog shall be kept in custody under section 70.

(3) Nothing in this section shall authorise any dog control officer or dog ranger to enter any dwellinghouse unless—

(a) he or she is authorised to enter by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) made on application by the dog ranger or dog control officer in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and

(b) he or she is accompanied by a constable.

(3A) None of the following persons may act as an issuing officer under this section:

(a) the mayor or any elected member of the local authority that employs or engages the dog ranger or dog control officer; or

(b) any employee of the local authority that employs or engages the dog ranger or dog control officer.

(4) Where a dog is removed pursuant to subsection (2), the dog control officer or dog ranger shall give written notice in the prescribed form to the owner of the dog or, if the owner is not present, the person for the time being appearing to be in charge of the land or premises and, if no person is present on the property, shall leave such notice in some conspicuous place on the land or premises.

(5) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an authority applied for or issued under subsection (3).

Section 56(3)(a): replaced, on 1 October 2012, by section 233(1) of the Search and Surveillance Act 2012 (2012 No 24).

Section 56(3A): inserted, on 1 October 2012, by section 233(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 56(5): inserted, on 1 October 2012, by section 233(3) of the Search and Surveillance Act 2012 (2012 No 24).

57 Dogs attacking persons or animals

(1) A person may, for the purpose of stopping an attack, seize or destroy a dog if—

(a) the person is attacked by the dog; or

(b) the person witnesses the dog attacking any other person, or any stock, poultry, domestic animal, or protected wildlife.

(2) The owner of a dog that makes an attack described in subsection (1) commits an offence and is liable on conviction to a fine not exceeding $3,000 in addition to any liability that he or she may incur for any damage caused by the attack.

(3) If, in any proceedings under subsection (2), the court is satisfied that the dog has committed an attack described in subsection (1) and that the dog has not been destroyed, the court must make an order for the destruction of the dog unless it is satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.

(4) If a person seizes a dog under subsection (1), he or she must, as soon as practicable, deliver the dog into the custody of a dog ranger or dog control officer.

(5) If a dog control officer or dog ranger has reasonable grounds to believe that an offence has been committed under subsection (2), he or she may—

(a) seize and take custody of the dog; or

(b) if seizure of the dog is not practicable, destroy the dog.

(6) A dog control officer or dog ranger may enter land or premises for the purposes of subsection (5), but may enter any dwellinghouse on the land or premises only if—

(a) he or she is in fresh pursuit of a dog that—

(i) he or she has reasonable grounds to believe has committed an attack described in subsection (1); and

(ii) has been identified by a witness to the attack; or

(b) he or she is authorised to enter by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012), made on application by the dog ranger or dog control officer in the manner provided for an application for a search warrant in subpart 3

of Part 4 of the Search and Surveillance Act 2012, who must not issue a warrant unless the issuing officer is satisfied that there are reasonable grounds to believe that an offence has been committed under subsection (2), and, in the case of a dog control officer, he or she is accompanied by a constable.

(6A) None of the following persons may act as an issuing officer under this section:

(a) the mayor or any elected member of the local authority that employs or engages the dog ranger or dog control officer; or

(b) any employee of the local authority that employs or engages the dog ranger or dog control officer.

(6B) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an authority applied for or issued under subsection (6).

(7) To avoid doubt, a constable may exercise the powers conferred on a dog control officer or dog ranger by this section.

(8) This section, section 57A, and section 58 do not apply in respect of a dog that—

(a) is kept, or is being used, or is certified for use by a specified agency; and

(b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

Compare: 1982 No 42 s 56(1)–(5), (7)

Section 57: substituted, on 1 December 2003, by section 35 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 57(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 57(6)(b): amended, on 1 October 2012, by section 233(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 57(6A): inserted, on 1 October 2012, by section 233(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 57(6B): inserted, on 1 October 2012, by section 233(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 57(7): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

57A Dogs rushing at persons, animals, or vehicles

(1) This section applies to a dog in a public place that—

(a) rushes at, or startles, any person or animal in a manner that causes—

(i) any person to be killed, injured, or endangered; or

(ii) any property to be damaged or endangered; or

(b) rushes at any vehicle in a manner that causes, or is likely to cause, an accident.

(2) If this section applies,—

(a) the owner of the dog commits an offence and is liable on conviction to a fine not exceeding $3,000 in addition to any liability that he or she may incur for any damage caused by the dog; and

(b) the court may make an order for the destruction of the dog.

(3) A dog control officer or dog ranger who has reasonable grounds to believe that an offence has been committed under subsection (2)(a) may, at any time before a decision of the court under that subsection, seize or take custody of the dog and may enter any land or premises (except a dwellinghouse) to do so.

Section 57A: inserted, on 1 December 2003, by section 36 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 57A(2)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

58 Dogs causing serious injury

The owner of any dog that attacks any person or any protected wildlife and causes—

(a) serious injury to any person; or

(b) the death of any protected wildlife; or

(c) such injury to any protected wildlife that it becomes necessary to destroy the animal to terminate its suffering,—

commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or a fine not exceeding $20,000, or both, and the court shall, on convicting the owner, make an order for the destruction of the dog unless satisfied that the circumstances of the attack were exceptional and do not justify destruction.

Section 58: amended, on 1 December 2003, by section 37 of the Dog Control Amendment Act 2003 (2003 No 119).

59 Seizure or destruction of dog at large in vicinity of protected wildlife

(1) Where any dog is at large and is an immediate disturbance or threat to any protected wildlife,—

(a) the occupier or person having control of the land on which the dog is, for the time being, situated, or any agent or employee of that person; or

(b) any constable, dog control officer, or dog ranger acting with the consent of any person specified in paragraph (a),—

may forthwith either seize or destroy that dog.

(2) Where, under subsection (1), a dog is seized by any person other than a dog control officer or dog ranger, that person shall ensure that the dog is returned to its owner or delivered into the custody of a dog control officer or dog ranger.

60 Seizure or destruction of dog running at large among stock or poultry

(1) The owner of any stock or poultry or that owner's agent or employee, or any constable, dog control officer, or dog ranger acting at the request of that owner, may forthwith either seize or destroy any dog running at large among that stock or poultry.

(2) Where, under subsection (1), a dog is seized by any person other than a dog control officer or dog ranger, that person shall ensure that the dog is returned to its owner or delivered into the custody of a dog control officer or dog ranger.

Compare: 1982 No 42 s 59

61 Orders relating to dog seen worrying stock

(1) Where complaint is made to the District Court by the owner of any stock or poultry, or the occupier of any land on which there is stock or poultry, that any dog has been seen at large among that stock or poultry, the court, if it is satisfied as to the grounds of the complaint, may order the owner to keep the dog under proper restraint or make an order for the destruction of the dog.

(2) Every person who fails to comply with an order made under subsection (1) requiring that person to keep a dog under proper restraint commits an offence and is liable on conviction to a fine not exceeding $150 for every day during which the default has continued; and, in addition, the court may make an order for the destruction of the dog.

Compare: 1982 No 42 s 60

Section 61(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 61(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

62 Allowing dogs known to be dangerous to be at large unmuzzled

(1) This section applies to a dog owned by a person and known by the person to—

(a) be dangerous; or

(b) have attacked any person or any stock or poultry or property of any kind.

(2) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being—

(a) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and

(b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)).

(3) A person whose dog is in the possession of any other person for a period of less than 72 hours must advise that person of the requirement to comply with subsection (2).

(4) Every person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding $3,000, and the court may, on convicting the person, make an order for the destruction of the dog.

(5) Every person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding $500.

(6) This section does not apply in respect of a dog that—

(a) is kept, or used, or is certified for use by a specified agency; and

(b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

Compare: 1982 No 42 s 57

Section 62: substituted, on 1 December 2003, by section 38 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 62(3): amended, on 7 July 2004, by section 21(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 62(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 62(4): amended, on 7 July 2004, by section 21(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 62(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 62(5): amended, on 7 July 2004, by section 21(2) of the Dog Control Amendment Act 2004 (2004 No 61).

63 Owner liable for damage done by dog

(1) The owner of a dog shall be liable in damages for damage done by the dog, and it shall not be necessary for the person seeking damages to show a previous mischievous propensity in the dog, or the owner's knowledge of any such mischievous propensity, or that the damage was attributable to neglect on the part of the owner of the dog.

(2) This section does not apply in respect of any damage done by a dog that—

(a) is kept, or is being used, or is certified for use by a specified agency; and

(b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency; and

(c) if, had this section not been enacted, there could be no claim for the damage against the agency concerned or any of its officers or employees or the owner of the dog.

Compare: 1982 No 42 s 61; 1985 No 172 s 3

Section 63(2): substituted, on 1 December 2003, by section 39 of the Dog Control Amendment Act 2003 (2003 No 119).

64 Procedure where order made for destruction of dog

(1) If the District Court makes an order for the destruction of any dog, any person having custody or control of the dog must—

(a) cause the dog to be destroyed immediately; and

(b) produce to the territorial authority within 1 month a certificate issued by a veterinarian, or a dog control officer or dog ranger, certifying that the dog has been destroyed.

(2) Where any such person does not cause the dog to be destroyed forthwith, any constable, dog control officer, or dog ranger may seize and destroy the dog.

(3) In the exercise of his or her powers under subsection (2), any constable, dog control officer, or dog ranger may, at any reasonable time, enter on any land or premises, including any dwellinghouse, and remove any dog that is the subject of an order for destruction.

(4) Nothing in subsection (3) shall authorise any dog control officer or dog ranger to enter any dwellinghouse unless he or she is accompanied by a constable.

(5) Where any dog is destroyed by any dog control officer or dog ranger acting under the authority of this section, the reasonable costs of the collection, destruction, and disposal of the dog shall constitute a debt recoverable by the territorial authority from the owner of the dog.

(6) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $3,000.

Compare: 1982 No 42 s 62

Section 64(1): substituted, on 1 December 2003, by section 40(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 64(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 64(1)(b): amended, on 28 June 2006, by section 29(8) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 64(6): added, on 1 December 2003, by section 40(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 64(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Infringement offences

65 Infringement offences

(1) In this Act, **infringement offence** means an offence specified in Schedule 1.

(2) Where any person is alleged to have committed an infringement offence, that person may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice as provided in section 66.

Section 65(1): amended, on 7 July 2004, by section 22 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 65(2)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

66 Infringement notices

(1) Where a dog control officer or dog ranger has reasonable cause to believe that any person has committed an infringement offence under this Act, an infringement notice may be issued to that owner by the dog control officer or dog ranger or by any person so authorised by the territorial authority.

(2) An infringement notice may be served—

(a) by delivering it personally to the person who appears to have committed the infringement offence; or

(b) by sending it by post addressed to the person at the person's last known place of residence or business; or

(c) where the person is shown as the owner of a dog on a register, by sending it by post to the person at the address recorded on that register.

(3) An infringement notice sent to a person by post pursuant to paragraph (b) or paragraph (c) of subsection (2) shall be deemed to have been served on the person when it was so posted.

(4) Every infringement notice shall be in the prescribed form, and shall contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee specified in respect of that offence in Schedule 1; and

(c) the address or addresses at which the infringement fee may be paid; and

(d) the time within which the infringement fee may be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement of the right of the person served with the notice to request a hearing; and

(g) a statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a hearing; and

(h) a summary of the provisions of sections 21(2) and (3), 23, 25(1) and (2), and 27(1); and

(i) such other particulars as are prescribed.

(5) Where an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section shall, with the necessary modifications, apply.

(6) A territorial authority may retain the infringement fee received by it for an infringement offence if the infringement notice was issued by a dog control officer or dog ranger appointed by that territorial authority.

Section 66(1): amended, on 1 December 2003, by section 41(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 66(2)(c): amended, on 28 June 2006, by section 29(9) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 66(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 66(4)(b): amended, on 7 July 2004, by section 23 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 66(4)(h): amended, on 1 December 2003, by section 41(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 66(6): added, on 1 December 2003, by section 41(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Category 1 offences

Heading: inserted, on 14 December 2019, by section 4 of the Dog Control (Category 1 Offences) Amendment Act 2019 (2019 No 75).

66A Jurisdiction for category 1 offences

(1) The District Court presided over by 2 or more Justices of the Peace has jurisdiction in respect of any category 1 offence under this Act.

(2) Subsection (1) does not apply to the offences described in the following sections:

(a) section 32(2):

(b) section 57(2):

(c) section 57A(2):

(d) section 61(2):

(e) section 62(4):

(f) section 78(3).

(3) In this section, **category 1 offence** has the same meaning as in section 6(1) of the Criminal Procedure Act 2011.

Section 66A: inserted, on 14 December 2019, by section 4 of the Dog Control (Category 1 Offences) Amendment Act 2019 (2019 No 75).

Custody of dogs

67 Provision of pound facilities

Every territorial authority, either singly or jointly with any 1 or more other territorial authorities, shall make such provision as is necessary for the proper custody, care, and exercise of dogs impounded, seized, or committed to its custody or the custody of a dog control officer or dog ranger under this Act, and for that purpose may—

(a) establish, maintain, and operate a dog pound either separately or in association with any pound established under any other Act:

(b) enter into an agreement with any person, upon such terms and conditions as it thinks fit, for that person to provide proper custody, care, and exercise for such dogs.

Compare: 1982 No 42 s 64

68 Pound fees

(1) Any territorial authority 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 or dog rangers under this Act:

(b) the sustenance of any dog impounded under this Act:

(c) the destruction of any dog impounded under this Act.

(2) The amount of any fee referred to in subsection (1) shall be such as may from time to time be fixed by resolution of the territorial authority, which resolution shall be publicly notified at least 14 days before the resolution comes into effect.

(3) In setting poundage fees under subsection (1), the territorial authority may—

(a) set different fees for registered and unregistered dogs:

(b) set a graduated scale of fees for the repeated impounding of the same dog.

(4) Any fee fixed under this section shall, if so required by the territorial authority, be paid before the dog is released from the pound.

Compare: 1982 No 42 s 65

Section 68(2): amended, on 6 June 2026, by section 206 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

69 Impounding and subsequent disposal of dog

(1) Except as provided in subsection (7) and sections 70, 71, and 71A, where any constable, dog control officer, or dog ranger seizes or is given custody of any dog under this Act, that dog shall, unless it is returned to its owner under subsection (3) or subsection (6) of section 52, be impounded until it is disposed of in accordance with this section.

(2) As soon as practicable after any dog has been impounded, the territorial authority shall, in the case of a dog wearing a current registration label or disc or where the owner of the dog is known through some other means, give written notice to 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 the territorial authority thinks fit; and after the expiry of that period the territorial authority may so dispose of the dog.

(3) Where the owner of the dog is not known and cannot be identified from the dog registration label or disc, the territorial authority may, after the expiration of 7 days after the date of seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as it thinks fit.

(4) The proceeds of the sale of any dog under subsection (2) or subsection (3) may be applied by the territorial authority towards any fees payable to it under this Act by the owner of the dog, and any surplus shall be paid into the dog control account of the territorial authority.

(5) The territorial authority 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 Act.

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

(8) This section does not limit or affect the power of the territorial authority to destroy a dog under section 139 of the Animal Welfare Act 1999.

Compare: 1982 No 42 s 66

Section 69(1): amended, on 28 June 2006, by section 29(10)(a) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 69(1): amended, on 28 June 2006, by section 29(10)(b) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 69(8): added, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

69A Impounded dog must be microchipped and registered before release

(1) A registered dog that has been impounded by a territorial authority under this Act may not be released to any person (other than for the purposes of destroying it) without first being implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner.

(2) Subsection (1) does not apply to a registered dog that has been impounded by the territorial authority for the first time.

(3) An unregistered dog that has been impounded by a territorial authority under this Act may not be released to any person (other than for the purposes of destroying it) without first being registered under this Act.

(4) An unregistered dog that has been impounded by a territorial authority under this Act may not be released to any person (other than for the purposes of destroying it) without first being implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner.

(5) Subsections (1) and (4) do not apply if,—

(a) as a requirement of this Act, the dog has been previously implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or

(b) in any other case, the territorial authority has verified that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

(6) A territorial authority that implants in a dog, or causes a dog to be implanted with, a microchip transponder under this section may recover all the costs in relation to the procedure from—

(a) the owner of the dog; or

(b) the person taking possession of the dog.

Section 69A: inserted, on 1 July 2006, by section 24 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 69A(3): brought into force, on 7 July 2004, by section 2(3) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 69A(6): added (with effect on 1 July 2006), on 28 June 2006, by section 23 of the Dog Control Amendment Act 2006 (2006 No 23).

70 Custody of dog removed for barking

(1) Every dog removed under section 56 shall be kept in custody and given proper care and exercise, whether in the facilities provided under section 67 or otherwise but, except as provided in subsection (7) of this section, nothing in section 69 shall apply to the dog.

(2) The owner of any dog which is, for the time being, kept in custody under subsection (1) may apply at any time to the territorial authority for the return of the dog.

(3) Where application is made under subsection (2) and the territorial authority is satisfied the return of the dog will not result in a resumption of the nuisance, the territorial authority shall, subject to subsection (6), return the dog.

(4) Any person who has sought the return of a dog under subsection (2) and is dissatisfied with the decision of the territorial authority may appeal to the District Court against that decision, and the District Court, in hearing the appeal, shall consider the matters specified in subsection (3) and any submission by the territorial authority in support of its decision and may uphold that decision or order the return of the dog.

(5) Subject to subsection (6), unless a dog is earlier returned pursuant to subsection (3) or subsection (4), the territorial authority shall keep the dog in custody until such time as it is satisfied—

(a) that proper provision in relation to the dog has been made on the property specified in the notice issued under section 55; or

(b) that the owner has made arrangements for the dog to be kept on a property other than the property from which it was removed.

(6) Where the territorial authority has, under section 68(1)(b), set fees for the sustenance of impounded dogs, the territorial authority may apply those fees to the sustenance of any dog kept in custody under this section and may require the payment of those fees before any dog is returned under subsection (3) or subsection (5) or, unless the District Court orders otherwise, subsection (4).

(7) In any case where—

(a) the notice under section 55 has not been complied with within 7 days of a conviction under subsection (7) of that section; or

(b) the territorial authority requires fees under subsection (6) to be paid before any dog is returned, and those fees have not been paid within 7 days of the receipt by the owner of written notice that the dog will be returned upon payment of those fees,—

the territorial authority may dispose of the dog in the manner authorised by section 69, and subsections (4) to (6) of that section shall apply as if the dog had been disposed of under that section.

Section 70(1): amended, on 28 June 2006, by section 24 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 70(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

71 Retention of dog threatening public safety

(1) This section shall apply where—

(a) any constable, dog control officer, or dog ranger has, under section 57 or section 57A, seized any dog or been given custody of any dog or taken custody of any dog; and

(b) the owner of the dog is to be prosecuted for an offence under section 57, section 57A, or section 58; and

(c) the dog has been claimed by its owner and any fee payable under section 69(2) has been paid; and

(d) the territorial authority is satisfied on reasonable grounds that the release of the dog would threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife.

(2) Except as otherwise provided in this section, every dog to which subsection (1) applies shall be kept in custody and given proper care and exercise until the prosecution referred to in subsection (1)(b) is determined by the court.

(3) In every case to which subsection (1) applies, the territorial authority shall give written notice in the prescribed form to the person claiming the dog.

(4) The owner of any dog which is, for the time being, kept in custody under subsection (2) may apply at any time to the territorial authority for the release of the dog.

(5) Where application is made under subsection (4) and the territorial authority is satisfied that the release of the dog will not threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife, the territorial authority shall, subject to subsection (7), return the dog.

(6) Any person who has sought the return of a dog under subsection (4) and is dissatisfied with the decision of the territorial authority may appeal to the District Court against that decision, and the District Court, in hearing the appeal, shall consider the matters specified in subsection (5) and any submission by the territorial authority in support of its decision and may uphold that decision or order the return of the dog.

(7) Where the territorial authority has, under section 68(1)(b), set fees for the sustenance of impounded dogs, the territorial authority may apply those fees to the sustenance of any dog kept in custody under this section and may require the payment of those fees before any dog is returned under subsection (5) or, unless the District Court orders otherwise, subsection (2) or subsection (6).

(8) In any case where the territorial authority requires fees under subsection (7) of this section to be paid before any dog is returned, and those fees have not been paid within 7 days of the receipt by the owner of written notice that the dog will be returned upon payment of those fees, the territorial authority may dispose of the dog in the manner authorised by section 69(3), and subsections (4) to (6) of that section shall apply as if the dog had been disposed of under that section.

Section 71(1)(a): amended, on 1 December 2003, by section 43(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 71(1)(b): amended, on 1 December 2003, by section 43(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 71(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

71A Disposal of dog seized under section 15 or 33EC

(1) A territorial authority may sell, destroy, or otherwise dispose of a dog seized by a dog control officer or dog ranger under section 15(1)(c), in any manner it thinks fit,—

(a) if—

(i) the territorial authority is not satisfied that the dog will be given access to proper and sufficient food, water, or shelter if the dog is returned to the land or premises from where it was removed; and

(ii) the territorial authority has notified the owner of the dog in writing of its decision under subparagraph (i) and the right to appeal against it under section 71B; and

(iii) either—

(A) 7 days have elapsed and no appeal has been made; or

(B) an appeal has been made under section 71B and the District Court has not upheld it; or

(b) if—

(i) the territorial authority has notified the owner of the dog in writing of the matters set out in subsection (3); and

(ii) not less than 7 days have elapsed; and

(iii) either the dog—

(A) has not been claimed by its owner; or

(B) has been claimed by its owner but any outstanding fees owed in relation to the dog under this Act have not been paid; or

(c) if, despite making reasonable efforts, the territorial authority has not identified the owner of the dog and the dog has been in its custody for not less than 7 days.

(2) A territorial authority may sell, destroy, or otherwise dispose of a dog seized by a dog control officer or dog ranger under section 33EC, in any manner it thinks fit,—

(a) if—

(i) the territorial authority is not satisfied that the dog owner has demonstrated a willingness to comply with section 33E(1) or 33EB (as the case may be); and

(ii) the territorial authority has notified the owner of the dog in writing of its decision under subparagraph (i) and the right to appeal against it under section 71B; and

(iii) either—

(A) 7 days have elapsed and no appeal has been made; or

(B) an appeal has been made under section 71B and the District Court has not upheld it; or

(b) if—

(i) the territorial authority has notified the owner of the dog in writing of the matters set out in subsection (3); and

(ii) not less than 7 days have elapsed; and

(iii) either the dog—

(A) has not been claimed by its owner; or

(B) has been claimed by its owner but any outstanding fees owed in relation to the dog under this Act have not been paid; or

(c) if, despite making reasonable efforts, the territorial authority has not identified the owner of the dog and the dog has been in its custody for not less than 7 days.

(3) A notice under subsection (1)(b)(i) or subsection (2)(b)(i) must state that—

(a) the owner's dog is in the custody of the territorial authority; and

(b) unless the dog is claimed and any outstanding fees paid no later than 7 days after the owner receives the notice, the territorial authority may sell, destroy, or otherwise dispose of the dog.

(4) A territorial authority—

(a) may apply any proceeds from the disposal of a dog under this section towards any fees owing in relation to the dog under this Act; and

(b) must apply the surplus in accordance with section 9.

(5) If the territorial authority has, under section 68(1)(b), set fees for the sustenance of impounded dogs, it may—

(a) apply those fees to the sustenance of a dog kept in custody under this section; and

(b) require the fees to be paid before the dog is returned under this section.

(6) Subsection (5) is subject to any order made by a court under section 71B(4)(b).

(7) The disposal of a dog under this section does not cancel the liability of the former owner of the dog to pay any fees owing in relation to the dog under this Act.

Section 71A: inserted, on 28 June 2006, by section 25 of the Dog Control Amendment Act 2006 (2006 No 23).

71B District Court to determine appeal

(1) The owner of a dog to whom section 71A(1)(a)(ii) or (2)(a)(ii) applies may appeal to the District Court against the territorial authority's decision.

(2) An appeal must be lodged no later than 7 days after the owner receives a notice under section 71A(1)(b)(i) or (2)(b)(i).

(3) The court must consider the matters specified in section 71A(1)(a)(i) or (2)(a)(i), as the case may be, and any submission by the territorial authority concerned.

(4) The court may—

(a) uphold the territorial authority's decision or order the return of the dog:

(b) make an order in respect of any fees owing in relation to the dog under this Act.

Section 71B: inserted, on 28 June 2006, by section 25 of the Dog Control Amendment Act 2006 (2006 No 23).

72 Offence to release dog from custody

(1) Every person commits an offence who, except in accordance with this Act,—

(a) releases or uplifts, or attempts to release or uplift, a dog that is, under this Act, in the custody of—

(i) a territorial authority, or constable, or dog control officer, or dog ranger; or

(ii) any person who, under section 67(b), has agreed with a territorial authority to provide proper custody, care, and exercise for dogs impounded, seized, or committed to the custody of the territorial authority; or

(b) is in possession of a dog that has been unlawfully released or uplifted from the custody of a person specified in paragraph (a).

(2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $3,000.

Section 72: substituted, on 1 December 2003, by section 44 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 72(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

72A Power of dog control officer or dog ranger to seize released dog

A dog control officer or dog ranger may—

(a) seize and impound a dog that has been released or uplifted in breach of section 72; and

(b) retain custody of the dog until the dog control officer, dog ranger, or territorial authority (as the case may be) is satisfied that the requirements under this Act in relation to the initial impounding of the dog have been complied with.

Section 72A: inserted, on 7 July 2004, by section 25 of the Dog Control Amendment Act 2004 (2004 No 61).

Miscellaneous provisions

73 No liability where dog wounded in attempt to destroy

(1) No person who is entitled under this Act to destroy any dog, and who does so in a reasonable manner or who wounds or maims the dog in the course of attempting to so destroy it, shall be under any criminal or civil liability for the injury done to the dog or its death.

(2) Nothing in subsection (1) shall apply to any person who wounds or maims a dog in the course of attempting to destroy it and does not take all reasonable steps to terminate its suffering.

Compare: 1982 No 42 s 81

74 Limitation of liability for damage

No constable, dog control officer, dog ranger, territorial authority, or warranted officer shall be liable for any loss or damage caused to the owner of any dog or other property or land that is necessitated by the due administration of this Act.

Compare: 1982 No 42 s 82

75 Disability assist dogs

(1) Any disability assist dog accompanying and assisting a person with a disability, or accompanying a person genuinely engaged in the dog's training, may enter and remain—

(a) in any premises registered under regulations made under section 120 of the Health Act 1956; or

(b) in any public place.

(2) However, the person whom the dog is accompanying must comply with any reasonable conditions imposed by the occupier or person controlling the premises or place in relation to the entry or presence of the dog.

(3) This section overrides any enactment prohibiting or regulating the entry or presence of dogs in relation to the premises and places referred to in subsection (1).

Section 75: substituted, on 28 June 2006, by section 26 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 75(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

76 Giving and content of notices

(1) Any notice or direction under this Act that is to be given to any particular person shall be in writing and may be given—

(a) by delivering it personally to the person to whom it is to be given; or

(b) by leaving it, or sending it by post in a letter addressed to the person, at his or her usual or last known place of residence; or

(c) by sending it by post in a letter addressed to the person at the address given by the person in a current application to register a dog at his or her address as the owner of a dog.

(2) If a notice or direction to which subsection (1) applies is sent by post in a registered letter, that notice or direction shall be deemed for the purposes of this Act, in the absence of proof to the contrary, to be given at the time at which the letter would have been delivered in the ordinary course of post.

(3) Every notice or direction to which subsection (1) applies shall—

(a) specify—

(i) the purpose of the notice; and

(ii) the rights of objection (if any) to the matters referred to in the notice; and

(iii) the name and address of the dog control officer or other officer of the territorial authority to whom inquiries in respect of the notice may be made; and

(iv) if entry on land or premises is intended, the statutory authority for the entry; and

(v) in the case of notice that a dog has been impounded, a statement that the dog may be sold, destroyed, or otherwise disposed of unless the dog is claimed and all fees paid within 7 days after the receipt of the notice; and

(b) in the absence of proof to the contrary, be sufficiently authenticated if it bears the name of the person giving the notice or direction.

Compare: 1982 No 42 s 84; 1989 No 44 s 86

77 Application of fines

Notwithstanding anything in section 73 of the Public Finance Act 1989, the court before which any person is convicted of an offence against this Act may direct that part (not exceeding one-half) of any fine imposed shall be paid to the person who commenced the proceedings or to any person giving information that led to the conviction.

Compare: 1982 No 42 s 85; 1989 No 44 s 86

Section 77: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

78 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the forms of applications, notices, and other documents for the purposes of this Act and requiring the use of such forms:

(b) specifying, for the purposes of section 35(4) and in relation to the dogs register, purposes for which any person shall be entitled to be informed of the name and address of the owner of any dog:

(ba) prescribing conditions, standards, or procedures for the implantation of a microchip transponder in a dog in accordance with this Act:

(bb) prescribing the types of microchip transponders that may be used for the purposes of this Act, and the standards to which they must conform:

(c) subject to subsection (2), regulating or prohibiting the keeping or possession, either generally or within any specified district or within any specified part of New Zealand, of dogs of any specified type or breed or cross-breed:

(d) providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(2) Regulations made under paragraph (c) of subsection (1) that relate to a particular breed or cross-breed of dog shall specify, with due particularity, the criteria that are to be used for the purpose of determining whether a dog is of a particular breed or cross-breed.

(3) Every person commits an offence and is liable on conviction to a fine not exceeding $3,000 who keeps or has possession of any dog in contravention of any regulations made under paragraph (c) of subsection (1); and the court shall, on convicting any person of that offence, make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and are unlikely to be repeated.

(4) Nothing in subsection (3) makes it an offence for any person—

(a) to keep a dog, or to have a dog in that person's possession,—

(i) pursuant to a power of seizure conferred by this Act or any other Act; or

(ii) in accordance with an order made under this Act for the destruction of that dog:

(b) to impound a dog under this Act:

(c) to confine a dog in any quarantine facility registered under section 39 of the Biosecurity Act 1993:

(d) to hold a dog in the custody of any society established to prevent cruelty to animals.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 78(1)(ba): inserted, on 1 December 2003, by section 45(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78(1)(bb): inserted, on 1 December 2003, by section 45(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 78(3): amended, on 1 December 2003, by section 45(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

78A Regulations adding further breed or type to Schedule 4

(1) The Governor-General may, by Order in Council, in accordance with a recommendation of the Minister, amend Schedule 4 by doing 1 or more of the following to the schedule:

(a) adding a further breed or type of dog to the schedule; or

(b) moving the name or description of any dog from part of the schedule to another part of the schedule.

(2) An Order in Council made under subsection (1) may not come into force except in accordance with a commencement order made under section 78B.

(3) An order under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 78A: inserted, on 1 December 2003, by section 46 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78A(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

78B Procedure for bringing Order in Council made under section 78A into force

(1) The Governor-General may, by Order in Council, make a commencement order bringing any Order in Council made under section 78A into force.

(2) The commencement order may be made only after the Order in Council made under section 78A has been approved by resolution of the House of Representatives.

(3) A resolution of the House of Representatives approving the Order in Council may be made at any time after—

(a) the date that is 28 days after the date on which the order is published under the Legislation Act 2019; or

(b) if the order is published under the Legislation Act 2019 during the period commencing on 24 December in one year and ending on 15 January in the following year, 15 February of that following year.

(4) An Order in Council made under section 78A lapses if—

(a) a motion to approve the Order in Council is defeated; or

(b) no motion to approve the Order in Council is agreed to within 1 year of its date of making.

(5) An order under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 78B: inserted, on 1 December 2003, by section 46 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78B(3)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 78B(3)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 78B(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

78C Matters to which Minister must have regard before recommending Order in Council under section 78A

(1) Before recommending to the Governor-General that an Order in Council be made under section 78A, the Minister must, in respect of each breed or type of dog referred to in the proposed Order in Council,—

(a) consult with, and consider any advice given by such representatives from local government, animal welfare organisations, dog clubs, and veterinary practices as the Minister considers appropriate; and

(b) have regard to the matters set out in subsection (2).

(2) The matters that the Minister must have regard to and seek advice, are—

(a) the tendency of the breed or type to exhibit aggressive behaviour; and

(b) the tendency of the breed or type to attack; and

(c) the risks to public safety if the breed or type is not listed in Schedule 4 (if any); and

(d) the companion value of the breed or type (if any); and

(e) the classification and experience of the breed or type in any other country; and

(f) any other matters that the Minister considers relevant.

Section 78C: inserted, on 1 December 2003, by section 46 of the Dog Control Amendment Act 2003 (2003 No 119).

78D Regulations amending Schedule 5

(1) The Governor-General may, by Order in Council, amend Schedule 5 by—

(a) adding or removing the name of an organisation that is authorised to certify a dog as being a dog that has been trained (or is being trained) to assist a person with a disability; or

(b) amending an item in that schedule referring to an organisation.

(2) Regulations under this section may be made only on the recommendation of the Minister after the Minister has consulted the Minister for Disability Issues.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 78D: replaced, on 21 March 2019, by section 6 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 78D(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

79 Consequential amendments

The enactments specified in Schedule 2 are hereby amended in the manner indicated in that schedule.

80 Repeals

The enactments specified in Schedule 3 are hereby repealed.

Schedule 1
Infringement offences and fees

s 65(1)

Schedule 1: substituted, on 28 June 2006, by section 28 of the Dog Control Amendment Act 2006 (2006 No 23).

Section	Brief description of offence	Infringement fee ($)
18	Wilful obstruction of dog control officer or ranger	750
19(2)	Failure or refusal to supply information or wilfully providing false particulars	750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	750
20(5)	Failure to comply with any bylaw authorised by the section	300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	300
24	Failure to comply with obligations of probationary owner	750
28(5)	Failure to comply with effects of disqualification	750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300
32(4)	Fraudulent sale or transfer of dangerous dog	500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	300
33F(3)	Failure to advise person of muzzle and leashing requirements	100
36A(6)	Failure to implant microchip transponder in dog	300
41	False statement relating to dog registration	750
41A	Falsely notifying death of dog	750
42	Failure to register dog	300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	500
48(3)	Failure to advise change of dog ownership	100
49(4)	Failure to advise change of address	100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	500
52A	Failure to keep dog controlled or confined	200
53(1)	Failure to keep dog under control	200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	300

Section	Brief description of offence	Infringement fee ($)
54A	Failure to carry leash in public	100
55(7)	Failure to comply with barking dog abatement notice	200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	300
62(5)	Failure to advise of muzzle and leashing requirements	100
72(2)	Releasing dog from custody	750

Schedule 2
Enactments amended

s 79

Animals Protection Act 1960 (1960 No 30) (RS Vol 6, p 1)

Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66) (RS Vol 25, p 1)

Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)

Amendment(s) incorporated in the Act(s).

Privacy Act 1993 (1993 No 28)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Act 1957 (1957 No 87) (RS Vol 9, p 583)

Amendment(s) incorporated in the Act(s).

Schedule 3
Enactments repealed

s 80

Biosecurity Act 1993 (1993 No 95)
Amendment(s) incorporated in the Act(s).

Dog Control and Hydatids Act 1982 (1982 No 42)

Dog Control and Hydatids Amendment Act 1983 (1983 No 68)

Dog Control and Hydatids Amendment Act 1985 (1985 No 172)

Dog Control and Hydatids Amendment Act 1988 (1988 No 184)

Dog Control and Hydatids Amendment Act 1992 (1992 No 9)

Local Government Amendment Act 1992 (1992 No 42)
Amendment(s) incorporated in the Act(s).

Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27)
Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Act 1959 (1959 No 98) (RS Vol 27, p 795)
Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44) (RS Vol 33, p 419)
Amendment(s) incorporated in the Act(s).

Summary Proceedings Amendment Act 1993 (1993 No 47)
Amendment(s) incorporated in the Act(s).

Weights and Measures Amendment Act 1991 (1991 No 9)
Amendment(s) incorporated in the Act(s).

Schedule 4
Breed and type of dog subject to ban on importation and muzzling

ss 30A, 33A, 33C, 78A–78C

Schedule 4: added, on 1 December 2003, by section 50 of the Dog Control Amendment Act 2003 (2003 No 119).

Part 1
Breed of dog

Brazilian Fila

Dogo Argentino

Japanese Tosa

Perro de Presa Canario

Part 2
Type of dog

American Pit Bull Terrier

Schedule 4 Part 1: amended, on 18 August 2011, by clause 3 of the Dog Control (Perro de Presa Canario) Order 2010 (SR 2010/369).

Schedule 5
Organisations authorised to certify dogs as disability assist dogs

ss 2, 78D

Schedule 5: inserted, on 21 March 2019, by section 7 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Assistance Dogs New Zealand

Hearing Dogs for Deaf People New Zealand

K9 Medical Detection New Zealand

Mobility Assistance Dogs Trust

New Zealand Epilepsy Assist Dogs Trust

Pawsible Service Dogs

Perfect Partners Assistance Dogs Trust

Royal New Zealand Foundation of the Blind Incorporated

Schedule 5 **Assistance Dogs New Zealand**: inserted, on 28 June 2019, by clause 3(2) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Schedule 5 **K9 Medical Detection New Zealand**: inserted, on 28 June 2019, by clause 3(2) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Schedule 5 **K9 Search Medical Detection**: repealed, on 20 December 2024, by clause 4(1) of the Dog Control (Schedule 5) Order 2024 (SL 2024/236).

Schedule 5 **Pawsible Service Dogs**: inserted, on 20 December 2024, by clause 4(2) of the Dog Control (Schedule 5) Order 2024 (SL 2024/236).

Schedule 5 **Perfect Partners Assistance Dogs Trust**: inserted, on 28 June 2019, by clause 3(2) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Schedule 5 **Top Dog Companion Trust**: repealed, on 28 June 2019, by clause 3(1) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Dog Control Amendment Act 2003

Public Act	2003 No 119
Date of assent	17 November 2003
Commencement	see section 2

1 Title

(1) This Act is the Dog Control Amendment Act 2003.

(2) In this Act, the Dog Control Act 1996 is called "the principal Act".

2 Commencement

(1) Section 32 comes into force on 1 June 2004.

(2) Section 24 comes into force on 1 July 2006.

(3) Section 23 comes into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made appointing different dates for different provisions and for different purposes.

(4) The rest of this Act comes into force on 1 December 2003.

Section 2(2): amended, on 7 July 2004, by section 27(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Part 5
Other related amendments

47 Transitional provision

A territorial authority must, before 1 September 2004, review its policy on dogs to ensure that it complies with section 10(4) on and from that date.

Dog Control Amendment Act 2006

Public Act	2006 No 23
Date of assent	27 June 2006
Commencement	see section 2

1 Title

This Act is the Dog Control Amendment Act 2006.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

5 Duty of territorial authorities to adopt policy on dogs

(1) *Amendment(s) incorporated in the Act(s).*

(2) Section 10(3)(ea) and (eb) (as inserted by subsection (1))—

(a) do not apply to a dog policy adopted before the commencement of this Act; but

(b) do apply to a dog policy adopted before the commencement of this Act that is amended under section 10(8) of the principal Act or reviewed under section 10AA of the principal Act (as inserted by section 6 of this Act).

(3) *Amendment(s) incorporated in the Act(s).*

Notes

1 General

This is a consolidation of the Dog Control Act 1996 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Emergency Management Act 2026 (2026 No 53): section 235

Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26): Part 26 subpart 1

Dog Control (Schedule 5) Order 2024 (SL 2024/236)

Civil Aviation Act 2023 (2023 No 10): section 486

Statutes Amendment Act 2022 (2022 No 75): Part 13

Secondary Legislation Act 2021 (2021 No 7): section 3

Privacy Act 2020 (2020 No 31): section 217

Dog Control (Category 1 Offences) Amendment Act 2019 (2019 No 75)

Dog Control (Schedule 5) Order 2019 (LI 2019/145)

Local Government Regulatory Systems Amendment Act 2019 (2019 No 6): Part 1

District Court Act 2016 (2016 No 49): section 261

Te Urewera Act 2014 (2014 No 51): section 138

Dog Control Amendment Act 2012 (2012 No 100)

Biosecurity Law Reform Act 2012 (2012 No 73): section 93

Search and Surveillance Act 2012 (2012 No 24): sections 232, 233

Criminal Procedure Act 2011 (2011 No 81): section 413

Dog Control (Perro de Presa Canario) Order 2010 (SR 2010/369)

Private Security Personnel and Private Investigators Act 2010 (2010 No 115): section 121(1)

Dog Control Amendment Act 2010 (2010 No 62)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Dog Control Amendment Act 2006 (2006 No 23)

Dog Control Amendment Act 2004 (2004 No 61)

Dog Control Amendment Act 2003 (2003 No 119)

Local Government Act 2002 (2002 No 84): section 262

Animal Welfare Act 1999 (1999 No 142): sections 194, 198

Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100): section 5(1)(c)

Customs and Excise Act 1996 (1996 No 27): section 294(1)

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