



REPUBLIC OF NAURU  
**Animals Act 1982**

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**Act No. 6 of 1982**

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REPUBLIC OF NAURU

**Animals Act 1982**

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**Act No. 6 of 1982**

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An Act to repeal certain provisions of the *Licences Ordinance 1922–1967* and to make new provision for the licensing of animals and generally in respect of animals

*Certified on 23 August 1982*

Enacted by the Parliament of Nauru as follows:

**1 Short title and commencement**

This Act may be cited as the *Animals Act 1982* and shall come into force on a date to be fixed by the Minister by notice in the Gazette.<sup>1</sup>

**2 Interpretation**

In this Act, unless the context otherwise requires:

**‘animal’** includes bird, fish, reptile, insect and spider;

**‘health inspector’** means a person appointed under the *Sanitary Inspectors Ordinance 1921-1967* to be a Sanitary Inspector.

**3 Appointment of the licensing authority**

The Minister shall, by notice in the Gazette, appoint a public officer to be the licensing authority for the purposes of this Act.

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<sup>1</sup> The Minister fixed 9 September 1982 as the date of commencement (GN No. 282/1982).

#### **4 Licensing of dogs**

- (1) A person shall not keep a male or female dog in Nauru unless a licence authorising him to do so has been granted by the licensing authority under the next following subsection:

Provided that, where a dog is lawfully imported into Nauru, it shall not be unlawful to keep that dog in Nauru without a licence during the period of fourteen days immediately following its importation.

- (2) Application for the grant of a licence to keep a dog shall be made to the licensing authority in writing in the prescribed form and shall be accompanied by the prescribed fee; upon receipt thereof, the licensing authority shall, unless the grant of a licence in respect of that dog is prohibited by section 5, grant to the applicant a licence in the prescribed form.
- (3) A licence granted under the last preceding subsection shall expire on the last day of December in the year for which it is granted.
- (4) For the purposes of this section a person is deemed to keep a dog if he has the dog in his custody, charge or possession or the dog is kept at premises of which he is the owner or a tenant.
- (5) Different fees may be prescribed for different breeds of dog and for male and female dogs.
- (6) Any person who keeps a dog in respect of which a licence has not been granted under subsection (2) is guilty of an offence and is liable to a fine of one hundred dollars.

#### **5 When licence not to be granted**

- (1) The licensing authority shall not grant a licence in respect of a dog which has not been lawfully imported into Nauru and has not been rendered permanently incapable of procreation:

Provided that in respect of a dog imported into Nauru before the commencement of this Act the licensing authority shall grant a licence, notwithstanding that the dog was not lawfully imported, if the person applying for the licence satisfies the licensing authority:

- (a) that the dog was imported into Nauru before the commencement of this Act; and

- (b) that the dog has been rendered permanently incapable of procreation.
- (2) The licensing authority shall not grant a licence in respect of a dog unless the dog has, not more than seven days before application for the licence is made, been examined by the Director of Health and Medical Services, or by a person nominated by the Director, and the person applying for the licence presents to the licensing authority a certificate in the prescribed form signed by the person who carried out that examination that the dog is not suffering from a disease communicable to humans.

**6 Licence discs**

- (1) Upon the grant of a licence in respect of a dog, the licensing authority shall issue a licence disc to the person to whom the licence is granted.
- (2) Any dog found in any place not wearing a dog collar to which a licence disc issued in respect of that dog for the current licensing period is attached shall be deemed for the purposes of section 7 to be an unlicensed dog.
- (3) Where a dog in respect of which a licence has been granted is found not wearing a dog collar to which the proper licence disc is attached, the person to whom the licence was granted or, if he is dead, the person for the time being having custody of the dog is guilty of an offence and is liable to a fine of one hundred dollars.

**7 Seizure of unlicensed dogs**

- (1) A dog which is not wearing a collar to which a licence disc is attached may be seized by any police officer or health inspector or by any other person authorised for the purpose by the Minister by instrument in writing under his hand and taken to the place referred to in the next following subsection.
- (2) A dog seized in pursuance of the previous subsection shall be kept in such place as the Minister shall appoint for the purpose until the dog is disposed of in accordance with section 8, and during the period while it is so kept the Director of Police shall be responsible for its custody and its well-being.

**8 Disposal of dogs seized**

- (1) Where a dog has been seized under the provisions of section 7, it shall be destroyed after the expiration of 48 hours unless within that period any person, by notice in writing delivered to the Director of Police, claims to be the owner of that dog and proves that the dog was currently licensed under this Act at the time of that seizure.
- (2) Where in accordance with the preceding subsection a person claims to be the owner of a dog seized under the provisions of section 7:
  - (a) if the Director of Police is satisfied that before the date of the seizure a licence in respect of that dog has been granted and was still valid on that date and that that person is the owner of that dog, he shall cause that person to be prosecuted for an offence against subsection (3) of section 6 and shall hand the dog over to him;
  - (b) in any other case the Director of Police shall cause that person to be prosecuted for an offence against subsection (6) of section 4 and shall retain the dog in his custody and cause it to be destroyed forthwith after the expiration of the period of 48 hours referred to in the preceding subsection.

**9 Production and inspection of licences**

- (1) Any police officer may require a person who is keeping, or who appears to him to be keeping, a dog in Nauru to produce to him a licence granted under subsection (2) of section 4 authorising the keeping of that dog and may inspect that licence when it is produced to him.
- (2) Any person who is keeping a dog and who fails to comply with a requirement made under the preceding subsection is guilty of an offence and is liable to a fine of one hundred dollars:

Provided that a person who has been convicted of an offence against subsection (6) of section 4 in respect of any dog shall not be convicted of an offence against this subsection committed in respect of that dog on the day on which the offence against subsection (3) of section 6 was committed.

**10            Fraudulent use of licence disc**

- (1) A person who places a licence disc issued under section 6 upon a dog other than the dog in respect of which the licence disc was issued is guilty of an offence and is liable to a fine of two hundred and fifty dollars.
- (2) For the purposes of subsection (3) of section 6 and subsection (1) of section 7, a dog on which there is a licence disc other than a licence disc issued in respect of that dog shall be deemed to be not wearing a collar to which a licence disc is attached.

**11            Destruction of dangerous or diseased dogs**

- (1) Where a dog is, in the opinion of a health inspector, dangerous or diseased he may seize the dog and convey it to the place appointed under subsection (2) of section 7.
- (2) If a dog seized under the preceding subsection is one in respect of which a licence disc valid for the current licensing period has been issued under subsection (1) of section 6, the health inspector who seized the dog shall serve or cause to be served on the person to whom such licence disc was issued or, if he is dead, the person appearing to be keeping the dog, a notice in writing:
  - (a) notifying him of the reason for seizure of the dog;
  - (b) stating that if he does not show cause to the District Court against destruction of the dog, that dog will be destroyed; and
  - (c) requiring him, if he wishes to oppose destruction of the dog, to make application to the District Court within three days of the service upon him of the notice for an order that the dog be not destroyed.
- (3) An application to the District Court under the last preceding subsection shall be made in accordance with the form in the Schedule to this Act and shall be made within three days of the service of the written notification required by that subsection.
- (4) If no application to the District Court is made in accordance with subsection (2), or the dog is not a licensed dog, the Director of Police shall forthwith cause the dog to be destroyed but otherwise the dog shall not be destroyed until the District Court has disposed of any such application.

- (5) The District Court shall, on the hearing of any application for an order that a dog be not destroyed, not make any such order unless it is satisfied that the dog is not dangerous or diseased, the burden being upon the applicant to so prove upon the balance of probabilities.
- (6) For the purpose of this section:
  - (a) a dog is dangerous if it has a propensity, without being provoked, to attack human beings or other animals;
  - (b) a dog is diseased if it is:
    - (i) suffering from, or a carrier of, any infection which is communicable to human beings or any other animals and is such that, if a human being or other animal were to be infected thereby, he or it might suffer permanent or substantial injury to health; or
    - (ii) suffering from malnutrition or serious neglect.
- (7) No appeal shall lie from any decision of the District Court under this section.
- (8) Where the District Court has determined an application under subsection (3) and the District Court has not made an order that the dog the subject of that application be not destroyed, the Director of Police shall, upon receiving notice of such determination, forthwith cause that dog to be destroyed.
- (9) Notwithstanding the provisions of this section, if the Director of Police has been informed by the Director of Health and Medical Services that he has reason to suppose that a dog seized under subsection (1) may be suffering from rabies, the Director of Police shall cause that dog to be destroyed and its carcass to be burnt or otherwise disposed of in such place and such manner as the Director of Health and Medical Services shall direct.

## **12 Destruction of animals in the event of rabies**

- (1) If the Cabinet receives a report in writing from the Director of Health and Medical Services that an animal or human being in Nauru is suffering from rabies, the Cabinet may make an order in writing which shall be published in the Gazette:
  - (a) that all animals in Nauru shall be destroyed;

- (b) that all animals in Nauru of the species specified in the order shall be destroyed;
  - (c) that all animals found in the areas or districts of Nauru specified in the order shall be destroyed; or
  - (d) that all animals of the species specified in the order found in the areas or districts of Nauru specified in the order shall be destroyed.
- (2) It shall be the duty of all police officers, all health inspectors and all district constables to comply with any order made by the Cabinet under subsection (1), and to cause the carcasses of animals destroyed under authority of any such order to be burnt or otherwise disposed of in such place and in such manner as the Director of Health and Medical Services shall direct.
- (3) Any police officer, health inspector or district constable may, for the purpose of complying with any order made under subsection (1):
- (a) seize any animal to which that order applies; and
  - (b) without warrant enter and search any land, building or premises in any part of Nauru to which such order applies.
- (4) Any person who wilfully obstructs any police officer, health inspector or district constable in the execution of his duty to enforce any order of the Cabinet made under subsection (1) is guilty of an offence and is liable to a fine of two hundred and fifty dollars.

**13           The Cabinet may prohibit the importation of animals**

- (1) The Cabinet may, by notice published in the Gazette:
- (a) prohibit the importation into Nauru of animals of the species specified in such notice;
  - (b) prohibit the importation into Nauru of animals of the species specified in such notice other than from the countries specified in such notice;
  - (c) prohibit the importation into Nauru of animals of the species specified in such notice from the countries specified in such notice, unless prior to such importation the person to whom such animals are consigned has obtained from the licensing authority a licence in writing to



import such animals and the importation of such animals is in compliance with that licence and all conditions set out or referred to in that licence.

- (2) Without prejudice to the generality of the preceding subsection, the following are prohibited:
  - (a) the importation into Nauru of:
    - (i) any female dog; or
    - (ii) any male dog which has not been rendered permanently incapable of procreation;
  - (b) without prejudice to the preceding paragraph, the importation into Nauru of any male dog unless the dog is imported directly from Australia and in accordance with the conditions of a licence in writing granted to the consignee by the licensing authority prior to the importation; and
  - (c) the importation into Nauru of bees of any species or sub-species.
- (3) Any person who knowingly imports or attempts to import any animal contrary to subsection (1) or the last preceding subsection is guilty of an offence and is liable to imprisonment for six months and a fine of five thousand dollars.
- (4) Any person who aids, abets, counsels or procures the importation or attempted importation into Nauru of an animal contrary to subsection (1) or subsection (2) is guilty of an offence and is liable to the same punishment as he would be under the last preceding subsection if he had himself imported that animal.
- (5) For the purposes of this section, an animal is imported into Nauru so soon as any part of it lands in Nauru, notwithstanding that the animal has not, at the relevant time, passed into the physical possession of the person to whom it is consigned or for whom it is intended.
- (6) Where an animal, the importation of which into Nauru is prohibited by or under subsection (1) or subsection (2), is being carried on any ship, vessel or aircraft and is caused or permitted to leave the ship, vessel or aircraft in Nauru, the master or other person in actual control for the time being of that ship or vessel, or the pilot in command or any other person in actual control for

the time being of that aircraft, as the case may be, is guilty of an offence and is liable to a fine of ten thousand dollars.

**14 Seizure and destruction of animals unlawfully imported**

- (1) Any customs officer, police officer, health inspector or district constable may seize any animal imported into or landed in Nauru in contravention of subsection (1), subsection (2) or subsection (6) of section 13 and upon seizure shall convey it, or cause it to be conveyed, to the place appointed under subsection (2) of section 7 or to such other place as the Minister may direct.
- (2) The Director of Police shall cause any animal conveyed under the preceding subsection to the place referred to therein to be destroyed forthwith and its carcass burnt or otherwise destroyed in such manner as the Director of Health and Medical Services shall direct.

**15 Making escape of animals possible**

- (1) Any person who, without the consent of the owner or keeper of any animal, opens or breaks any place or compound in which that animal is for the time being kept, and thereby makes possible the escape of that animal therefrom, whether that animal does escape therefrom or not, is guilty of an offence and is liable to a fine of one hundred dollars.
- (2) A person who commits an offence under the preceding subsection is also civilly liable for any damage done to any person or property by the animal, if it escapes from the place or compound, until it is recaptured.

**16 Civil liability for animals**

- (1) The owner of and any keeper of any animal are jointly and severally civilly liable for any injury to any other person or damage to the property of any other person which is wholly or partly caused by that animal, howsoever it is caused:

Provided that no cause of action shall lie in respect of any disease communicated by an animal to a human being or other animal.

- (2) It shall be a defence to any civil claim for damages for personal injury or damage to property caused wholly or partly by any animal:
- (a) that the person by whom or on whose behalf those damages are claimed provoked that animal into attacking that person or his property;
  - (b) that at the relevant time, the animal was lawfully protecting the person or property of the owner or keeper of that animal or the person or property of any member of the family, or of any employee, of the owner or keeper; or
  - (c) that the animal, by the action of some person acting without the consent of the owner or keeper of that animal, had escaped from the place or compound in which it was ordinarily kept, and had not, at the relevant time, been returned to the possession of its owner or keeper; but, save as provided for in this section, contributory negligence shall not be a defence to any such claim.

**17 Causing unnecessary suffering to an animal**

- (1) A person who neglects or mistreats an animal so as to cause the animal unnecessary suffering commits an offence and is liable to a fine of two hundred and fifty dollars and, on a second or subsequent conviction, to imprisonment for three months and a fine of five hundred dollars.
- (2) For the sake of avoidance of doubt, it is declared that the preceding subsection does not apply:
- (a) to slaughter of any pig in such manner as has customarily been used in Nauru;
  - (b) customary methods of fishing;
  - (c) customary methods of noddly-bird hunting and killing; or
  - (d) anything reasonably done in self-defence against an attack by an animal.

**18 Extension to other animals of provisions relating to dogs**

The Cabinet may make regulations extending the provisions of this Act to animals other than dogs. Those regulations may exclude the application to any class or classes of animals of such provisions of this Act as the Cabinet considers cannot

conveniently be applied to them. Where such regulations are made, references in this Act to dogs shall be taken to include references to the animals to which the provisions of this Act are extended thereby.

**19 Fees and expenditure**

- (1) All moneys received on account of fees payable under this Act shall be paid into the Treasury Fund as revenue.
- (2) All expenditure properly incurred in giving effect to the provisions of this Act shall be charged upon the Treasury Fund.

**20 Regulations**

The Cabinet may make regulations:

- (a) prescribing forms of application and of licences;
- (b) prescribing fees to be paid for the granting of licences;
- (c) prescribing any other matter or thing required or authorised by this Act to be prescribed or which may be necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

**21 Repeal and saving**

- (1) Sections 13, 14, 15, 16, 17, 18 and 18A of the *Licences Ordinance 1922-1967* and Item 5 in the Schedule to that Ordinance are repealed; but, where a dog or pig has been registered under the provisions of that Ordinance and that registration was valid immediately before the commencement of this Act, a licence shall be deemed to have been granted under this Act in respect of that dog or pig for the period ending on the date on which the licence would have expired if those provisions of that Ordinance had not been repealed or on 31st December, 1982, whichever is the earlier.
- (2) The *Bee Importation Prohibition Ordinance 1925-1967* is repealed.

**SCHEDULE**

section 11

**FORM**

**APPLICATION FOR ORDER THAT DOG NOT BE  
DESTROYED**

To the District Court, Nauru.

I, (name of applicant), of (address of applicant) , was served on (date) with a notice in writing in pursuance of section 11(2) of the *Animals Act 1982* that the dog described therein had been seized on (date of seizure) because it was dangerous/\*diseased and that, if I did not show cause to this Honourable Court against the destruction of the said dog, the said dog would be destroyed. A licence authorising the keeping of the said dog under section 4 of the said Act was currently valid on (date of seizure of the dog). I am the person to whom the licence disc was issued\*/the person to whom the licence disc was issued is dead and I am now keeping the dog.

I hereby apply for an order of this Honourable Court that the said dog should not be destroyed and intend to show cause why such order should be made on the following ground(s).

(state grounds of application)

Applicant

\*Delete whichever is not required