

**Reprint
as at 1 July 1996**



Animals Law Reform Act 1989

Public Act 1989 No 97
Date of assent 25 October 1989
Commencement 25 October 1989

Contents

| | Page |
|--|------|
| Title | 1 |
| 1 Short Title | 1 |
| 2 Interpretation | 2 |
| 3 Act to bind Crown | 2 |
| 4 Liability for damage caused by dangerous animals | 2 |
| 5 Rule in <i>Searle v Wallbank</i> abolished | 2 |
| 6 Liability under Public Works Act 1981 or Dog Control Act 1996 not affected | 3 |
| 7 Savings | 3 |

An Act to reform the law relating to liability for damage caused by animals

1 Short Title

This Act may be cited as the Animals Law Reform Act 1989.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Justice.

2 Interpretation

In this Act, unless the context otherwise requires, the term **animal**—

- (a) means any living member of the animal kingdom; and
- (b) includes mammals, birds, fish, and reptiles; but
- (c) does not include human beings.

3 Act to bind Crown

This Act binds the Crown.

4 Liability for damage caused by dangerous animals

The rules of the common law that impose strict liability in tort for damage caused by an animal on the ground—

- (a) that the animal is regarded as *ferae naturae* (that is, is of a species that is naturally dangerous); or
- (b) that its dangerous propensities are known or presumed to be known—

shall not apply in New Zealand.

Compare: Animals Act 1971 ss 2–6 (UK)

5 Rule in *Searle v Wallbank* abolished

(1) So much of the rules of the common law relating to liability in tort for negligence as excludes or restricts the duty that a person might owe to others to take reasonable care to see that damage is not caused by an animal straying onto a highway shall not apply in New Zealand.

(2) In determining, for the purposes of any proceedings, whether a person is liable by reason of negligence for damage caused by an animal straying onto a particular highway, consideration shall be given, amongst any other matters that are required or entitled to be considered, to—

- (a) the common practice, in the locality in which the relevant part of the highway is located, in relation to fencing, and the taking of other measures to prevent animals from straying onto highways in that locality; and
- (b) any measures taken to warn users of that highway of the likely presence of animals on the highway.

Compare: Highways (Liability for Straying Animals) Act 1983 s 3 (WA)

6 Liability under Public Works Act 1981 or Dog Control Act 1996 not affected

Nothing in this Act affects—

- (a) section 148(3) of the Public Works Act 1981;
- (b) section 63 of the Dog Control Act 1996.

Section 6 heading: amended, on 1 July 1996, pursuant to section 80 of the Dog Control Act 1996 (1996 No 13).

Section 6(b): amended, on 1 July 1996, pursuant to section 80 of the Dog Control Act 1996 (1996 No 13).

7 Savings

Nothing in this Act applies—

- (a) to proceedings commenced before the commencement of this Act; or
 - (b) to any cause of action that arose before the commencement of this Act; or
 - (c) to any act or omission that occurred before the commencement of this Act.
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Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
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Notes**1 General**

This is a reprint of the Animals Law Reform Act 1989. The reprint incorporates all the amendments to the Act as at 1 July 1996, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Dog Control Act 1996 (1996 No 13): section 80
