

1985/50



## THE DOG CONTROL AND HYDATIDS REGULATIONS 1985

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DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 25th day  
of March 1985

Present:

THE HON. R. O. DOUGLAS PRESIDING IN COUNCIL

PURSUANT to sections 32 and 80 of the Dog Control and Hydatids Act 1982, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Dog Control and Hydatids Regulations 1985.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

**2. Restriction on movement of dogs between districts**—(1) The owner of any dog in respect of which this regulation applies shall not permit the dog to enter or remain in any district unless—

(a) The dog is ordinarily kept in that district; or

(b) The dog has been treated for hydatids within the previous 42 days, and the owner holds a certificate issued under the Act to the effect that the dog has been so treated; or

(c) The dog has been exempted from treatment, or is one of a class of dogs that has been exempted from treatment, under section 73 of the Dog Control and Hydatids Act 1982.

(2) This regulation applies in respect of every dog that is over the age of 3 months and is not—

(a) A guide dog or hearing ear dog; or

(b) Kept by the Police or any constable, or the Customs Department or the Ministry of Defence, or any officer or employee of any such Department of State solely 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.

(3) Every owner commits an offence who, without reasonable excuse, fails to comply with subclause (1) of this regulation, and is liable on summary conviction to a fine not exceeding \$100.

**3. Circumstances in which owner must produce evidence of treatment of dog or exemption from treatment—**(1) The owner of any dog over the age of 3 months that is sold or otherwise transferred to the ownership of another person shall produce to the new owner evidence that the dog has been treated for hydatids within the previous 42 days.

(2) The owner of any dog over the age of 3 months that is in a district other than the district in which the dog is ordinarily kept shall produce, on request by any dog control officer or the occupier of any land on which the dog has entered, evidence that the dog has been treated for hydatids within the previous 42 days or that the dog is exempted from such treatment.

(3) Every owner commits an offence who, without reasonable excuse, fails to comply with subclause (1) of this regulation or any request under subclause (2) of this regulation, and is liable on summary conviction to a fine not exceeding \$50.

**4. Matters to be included in certificate of treatment for hydatids—**

(1) Every certificate of treatment of a dog for hydatids shall specify the name and address of the owner of the dog and the current registration number of the dog, and shall identify the dog by reference to as many of the following particulars as possible:

(a) The name of the dog:

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

(c) The age of the dog:

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

(e) A description of any tattoo or other permanent identification on the dog.

(2) Every such certificate shall be signed and dated by the dog control officer or registered veterinary surgeon who treated the dog and shall specify the expiry date of the certificate which shall be the 42nd day after the date on which the dog was treated.

(3) Any such certificate may also include information relating to the care of dogs and the obligations of dog owners.

**5. Form of notice of appeal and appointment of assessor by territorial authority—**(1) Every appeal by a territorial authority under section 32 of the Dog Control and Hydatids Act 1982 shall set out in full the grounds of the appeal and shall specify the name and address of the person whom the territorial authority appoints to represent it as its assessor.

(2) The notice of appeal referred to in subclause (1) of this regulation shall be accompanied by a statement signed by the person appointed as an assessor by the territorial authority indicating his acceptance of the appointment.

(3) The notice of appeal shall be sent to the Secretary of the Council.

(4) No member, officer, or employee of the territorial authority that gives a notice of appeal may be appointed as an assessor for that appeal.

**6. Appointment of assessor by Council**—(1) The Council shall appoint a person who is not a member, officer, or employee of the Council to be its assessor for any appeal and shall supply to its Secretary a statement signed by the person appointed as an assessor indicating his acceptance of the appointment.

(2) The Council shall give to the territorial authority that lodged the appeal written notice of the appointment by the Council of an assessor.

**7. Replacement of assessor**—Where an assessor is unable to be present at the hearing of any appeal the party that appointed the assessor shall, before the hearing of the appeal commences, appoint another person who is eligible for appointment by it as an assessor to be its assessor, and shall give written notice of the appointment to the other party to the appeal and the District Court Judge concerned.

**8. Revocations**—The following regulations are hereby revoked:

- (a) The Dogs Registration Regulations 1955 (S.R. 1955/204);
- (b) The Hydatids Regulations 1970 (S.R. 1970/37);
- (c) The Hydatids Regulations 1970, Amendment No. 1 (S.R. 1972/118);
- (d) The Hydatids Regulations 1970, Amendment No. 2 (S.R. 1976/247);
- (e) The Hydatids Regulations 1970, Amendment No. 3 (S.R. 1978/116).

P. G. MILLEN,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations affect the movement of dogs between districts, the content and production of certificates of treatment of dogs or proof of exemption from treatment, and make provisions relating to appeal by territorial authorities.

The effect of regulation 2 is that a dog owner may not allow any dog owned by him to be in any territorial authority district other than the district in which it is usually kept unless the dog has been treated for hydatids within the previous 42 days and the owner has a certificate to that effect, or the dog is exempted from treatment. The regulation applies in respect of every dog over the age of 3 months that is not a guide dog or hearing ear dog, or a dog used on Police, Customs, or Ministry of Defence duties.

Regulation 3 sets out the circumstances in which a dog owner must produce proof that a dog has been treated for hydatids or is exempt from such treatment. The proof must be produced at the sale of any dog over the age of 3 months, or on request by a dog control officer or occupier of land on which any such dog has entered in a district other than that in which it is usually kept.

Regulation 4 sets out the matters that must be included in a certificate of treatment. These include matters relating to the identification of the owner and the dog, and the expiry date of the certificate.

Regulations 5 to 7 deal with procedural matters concerning appeals and the appointment of assessors. The appeals involved are appeals by territorial authorities against decisions by the National Hydatids Council relating to plans for the control, prevention, and eradication of hydatids.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 March 1985.

These regulations are administered in the Ministry of Agriculture and Fisheries.