

ANIMALS

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Animals Act 1982

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Animals Act 1982

TABLE OF AMENDMENTS

The Animals Act 1982 No 6 was certified on 25 August 1982 and commenced on 9 September 1982 (GN No 282/1982; Gaz 56/1982).

Amending Legislation	Certified	Date of Commencement
Dog Management and Control Act 2017 No 28	19 December 2017	19 December 2017
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

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

Enacted by the Parliament of Nauru as follows:

1 Short title and commencement

This Act may be cited as the *Animals Act 1982* and came into effect on 9 September 1982.

2 Interpretation

In this Act:

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

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

3 Appointment of the licencing authority

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

4 Licencing of dogs

[s 4 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

5 When licence not to be granted

[s 5 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

6 Licence discs

[s 6 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

7 Seizure of unlicenced dogs

[s 7 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

8 Disposal of dogs seized

[s 8 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

9 Production and inspection of licences

[s 9 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

10 Fraudulent use of licence disc

[s 10 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

11 Destruction of dangerous or diseased dogs

[s 11 rep Act 28 of 2017 s 47, opn 19 Dec 2017]

12 Destruction of animals in the event of rabies

- (1) Where the Cabinet receives a report in writing from the Director of Public Health that an animal or human being in the Republic is suffering from rabies, the Cabinet may make an order in writing which shall be published in the Gazette:
 - (a) that all animals in the Republic shall be destroyed;
 - (b) that all animals in the Republic of the species specified in the order shall be destroyed;
 - (c) that all animals found in the areas or districts of the Republic 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 the Republic 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 Public Health 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 the Republic to which such order applies.
- (4) A person who wilfully obstructs any police officer, health inspector or district constable in the execution of his or her duty to enforce any order of the Cabinet made under subsection (1), is guilty of an offence and is liable to a fine of \$250.

13 The Cabinet may prohibit the importation of animals

- (1) The Cabinet may, by notice published in the Gazette:
 - (a) prohibit the importation into the Republic of animals of the species specified in such notice;
 - (b) prohibit the importation into the Republic of animals of the species specified in such notice other than from the countries specified in such notice; and
 - (c) prohibit the importation into the Republic 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 licencing 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 subsection (1), the following are prohibited:
 - (a) the importation into the Republic of:
 - (i) any female dog; or
 - (ii) any male dog which has not been rendered permanently incapable of procreation;
 - (b) without prejudice to paragraph (a), the importation into the Republic of any male dog unless the dog is imported directly from Australia and in

accordance with conditions of a licence in writing granted to the consignee by the licencing authority prior to the importation; and
(c) the importation into the Republic of bees of any species or subspecies.

[subs (2) am Act 28 of 2017 s 47, opn 19 Dec 2017]

- (3) A person who knowingly imports or attempts to import any animal contrary to subsection (1) or (2), is guilty of an offence and is liable to imprisonment for 6 months and a fine of \$5,000.
- (4) A person who aids, abets, counsels or procures the importation or attempted importation into the Republic of an animal contrary to subsection (1) or (2), is guilty of an offence and is liable to the same punishment as he or she would be under subsection (3) if he or she had himself or herself imported that animal.
- (5) For the purposes of this Section, an animal is imported into the Republic so soon as any part of it lands in the Republic, 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 the Republic is prohibited by or under subsection (1) or (2), is being carried on any ship, vessel or aircraft and is caused or permitted to leave the ship, vessel or aircraft in the Republic, 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 \$10,000.

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 the Republic in contravention of Section 13(1), (2) or (6) and upon seizure shall convey it, or cause it to be conveyed, to such place as the Minister may direct.
- (2) The Commissioner of Police shall cause any animal conveyed under subsection (1) to the place referred to therein to be destroyed forthwith and its carcass burnt or otherwise destroyed in such manner as the Director of Public Health shall direct.

15 Making escape of animals possible

- (1) A 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 \$100.
- (2) A person who commits an offence under subsection (1), is also civilly liable for any damage done to a 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 or her 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 a 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 \$250 and, on a second or subsequent conviction, to imprisonment for 3 months and a fine of \$500.
- (2) For the avoidance of doubt, subsection (1) does not apply to:
 - (a) slaughter of any pig in such manner as has customarily been used in the Republic;
 - (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

- (1) The Cabinet may make regulations extending the provisions of this Act to animals other than dogs.
- (2) Regulations made under subsection (1), 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.
- (3) Where regulations are made under this Section, references in this Act to dogs shall be taken to include references to other animals.

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; and
- (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) [subs (1) omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]
- (2) The *Bee Importation Prohibition Ordinance 1925-1967* is repealed.

SCHEDULE

FORM

[Section 11]

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

Animals (Forms) Regulations 1982

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
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5	Prescribed Form of Licence
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	SCHEDULE 1 — STATEMENT OF PARTICULARS
	SCHEDULE 2 — LICENCE TO KEEP AN ANIMAL
	SCHEDULE 3 — HEALTH CERTIFICATE

Animals (Forms) Regulations 1982

TABLE OF AMENDMENTS

The Animals (Forms) Regulations 1982 were notified on 16 September 1982 and commenced on 9 September 1982 (reg 2).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

In exercise of the powers conferred on it by Section 20 of the *Animals Act 1982*, the Cabinet has made the following Regulations:

1 Citation

These Regulations may be cited as the *Animals (Forms) Regulations 1982*.

2 Commencement

These Regulations shall be in force from the date on which the Act comes into force.

3 Interpretation

In these Regulations, '*the Act*' means the *Animals Act 1982*.

4 Prescribed Form of Application for Licence

Application for grant of a licence shall be made in the form prescribed herein in Schedule 1.

5 Prescribed Form of Licence

Licence to be granted by the Licencing Authority shall be in the form in Schedule 2.

6 Prescribed Form of Health Certificate

The certificate to be issued under Section 5(2) of the Act by the Director of Public Health or by a person nominated by the Director shall be in the form prescribed in Schedule 3.

7 Strict Compliance with Forms not necessary

Strict compliance with the forms contained in Schedule 1 and Schedule 3 is not necessary, and substantial compliance, to the satisfaction of the Licencing Authority, shall be sufficient.

8 Directions in the Forms

- (1) The forms prescribed by these Regulations shall be completed in accordance with such directions as are specified in the forms.
- (2) The application form prescribed under Schedule 1 shall not be considered duly filled in and lodged, unless the documents in support of the application, as required by the prescribed form and by the Licencing Authority, accompany the application.

9 Amendments or alterations to the Regulations

These Regulations are subject to any amendments and modifications which the Cabinet may, from time to time, deem necessary and expedient.

SCHEDULE 1

[Regulation 4]

STATEMENT OF PARTICULARS

TO

The Licencing Authority,
NAURU.

1. I/We of
do hereby apply for a Licence under the *Animals Act 1982*.
2. My/Our animal's name is
3. The following is the description of my/our dog/animal:
 - (a) Breed or species of animal:
 - (b) Sex:
 - (c) Colour:
 - (d) Height:
 - (e) Age:
 - (f) Other features of identification:
4. I hereby state -
 - (1) That My/Our animal was lawfully imported to Nauru on from (to be supported by documentary evidence in case the animal was imported to Nauru after the commencement of the *Animals Act 1982*).
 - (2) That the animal has been rendered permanently incapable of procreation and that it is not suffering from rabies or any other disease communicable to human beings. To be supported by a certificate from the Director of Public Health.
5. I undertake that the licence and the licence disc, if granted, shall be used only in respect of the animal specified and described in this application.
6. I hereby declare that the statements I have made hereinabove are true and correct.

Dated:

(Signature of the Applicant)

SCHEDULE 2



REPUBLIC OF NAURU
ANIMALS ACT 1982

[Regulation 5]

LICENCE TO KEEP AN ANIMAL

(Licence No; Collar Disc No)

THIS IS A LICENCE issued to Mr/Mrs/Miss of to keep an animal, named

The general description of the animal is as follows:

- (a) Breed or species of animal:
- (b) Sex:
- (c) Colour:
- (d) Height:
- (e) Age:
- (f) Other features of identification:

This licence shall expire on the 31st day of December, 20

Dated:

Licencing Authority

SCHEDULE 3



REPUBLIC OF NAURU

[Regulation 6]

HEALTH CERTIFICATE

IT IS HEREBY certified –

1. THAT the animal of the following description was today examined by me:–
 - (a) Breed or species of animal:
 - (b) Male/Female:
 - (c) Height:
 - (d) Age:
 - (e) Other features of identification;
2. AND THAT the above-mentioned animal (a) has/has not been rendered permanently incapable of procreation and is/is not suffering from a disease communicable to humans.

Dated:
(Seal of the Hospital)

Director of Public Health /Person nominated
by the Director.

Animals Regulations 2000

TABLE OF PROVISIONS

Regulation

Title

PART 1 — PRELIMINARY

1	Citation
2	Interpretation
3	Application of the Act
4	Fees
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	SCHEDULE <i>[Repealed]</i>

Animals Regulations 2000

TABLE OF AMENDMENTS

The Animals Regulations 2000 were notified and commenced on 7 February 2001 (GN No 19/2001; Gaz 6/2001).

Amending Legislation	Notified	Date of Commencement
Animals (Amendment) Regulations 2008 GN No 4/2009	7 January 2009	7 January 2009

In exercise of the powers conferred on it by Sections 18 and 20 of the *Animals Act 1982* and all other powers in this regard, the Cabinet has made the following Regulations:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Animals Regulations 2000*.

2 Interpretation

In these Regulations, '*the Act*' means the *Animals Act 1982*.

3 Application of the Act

The application of Section 11 of the Act is hereby extended to all animals.

[reg 3 subst GN No 4/2009 reg 4, opn 7 Jan 2009]

4 Fees

[Consequential amendment as a result of Dog Management and Control Act 2017.]

5 Repeal

The *Animal (Prescribed Fees) Regulations 1996* are repealed.

SCHEDULE

[Sch rep GN No 4/2009 reg 4, opn 7 Jan 2009]

