

**CONTROL OF STRAY DOGS ACT**

Act 30 of 2000 – Not in operation as at 30 September 2007

ARRANGEMENT OF SECTIONS

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**CONTROL OF STRAY DOGS ACT**

**1. Short title**

This Act may be cited as the Control of Stray Dogs Act.

**2. Interpretation**

In this Act—

“dispose of” means to put to sleep in a humane manner;

“dog controller” means a person, or organisation, designated as such by the Permanent Secretary;

“humane” means in such a manner as to inflict minimum pain and discomfort during and after intervention;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“owner”—

(a) means—

- (i) a person aged 16 or more, who owns a dog; or
- (ii) a person who is in charge of a dog, whether he owns it or not; and

- (b) includes the parent or guardian of a minor under the age of 16 to whom a dog belongs;

“numbered disc” means the disc issued by the Mauritius Society for the Prevention of Cruelty to Animals in respect of a registered dog;

“registered” means registered under the Mauritius Society for the Prevention of Cruelty to Animals (Officers' Powers and Protection) Act;

“stray dog” means a dog which is—

- (a) at large; and
- (b) not under the control or charge of any person.

[S. 2 amended by Act 45 of 2003.]

### **3. Stray dogs**

(1) Every owner of a stray dog shall commit an offence.

(2) It shall be a defence for any owner charged with an offence under subsection (1) to prove that he had taken reasonable precautions to prevent the dog from straying.

(3) A dog control officer may catch any stray dog or cause it to be caught.

(4) Where a stray dog is caught pursuant to subsection (3), the dog control officer shall forthwith cause it to be taken to a dog pound.

(5) Every dog control officer shall—

- (a) bear an identification badge while he is exercising the powers conferred upon him by subsection (3); and
- (b) on request by an owner, exhibit his identification badge.

### **4. Reclaiming of stray dogs**

(1) Where it appears that a dog taken to a dog pound is registered, the person in charge of the dog pound shall, as far as practicable, cause the owner to be informed, within 48 hours of the fact that he may reclaim his dog.

(2) The owner of a dog which has been taken to a dog pound may, not later than 3 days after it has been taken there, but subject to subsections (3), (4) and (5), reclaim the dog.

(3) A dog that has been taken to a dog pound shall, subject to section 5 (2), be returned to its owner where that person—

- (a) establishes his ownership to the satisfaction of the person in charge of the dog pound;
- (b) pays the reclamation fee specified in the Schedule; and

- (c) where the dog was not registered, satisfies the officer in charge of the dog pound that he has since caused the dog to be registered.

(4) No dog shall be returned to its owner unless it has been sterilised and tattooed.

(5) Any stray dog which is seized for the second time shall be returned to its owner—

- (a) upon payment of the reclamation fee specified in the Schedule; and
- (b) subject to such other conditions as may be specified by the officer in charge of the dog pound.

(6) For the purposes of this section, a dog shall be deemed not to be registered where it is not wearing a collar and a numbered disc when it was caught.

[S. 4 amended by Act 45 of 2003.]

## **5. Disposal of stray dogs**

(1) Where a dog is not reclaimed from a dog pound in accordance with section 4, the dog may be disposed of under the supervision of a veterinary surgeon.

(2) Where a dog taken to a dog pound is certified by a veterinary surgeon to be suffering from a contagious or life-threatening disease, it shall be disposed of under his supervision.

(3) Where a stray dog has been caught for the third time, it shall be disposed of forthwith in a humane manner.

(4) Where a dog is disposed of, the carcass shall be dealt with in a manner approved by the Permanent Secretary.

(5) Every owner of a dog that has been disposed of shall pay—

- (a) the poundage fee specified in the Schedule; and
- (b) any costs incurred in the disposal of the dog.

[S. 5 amended by Act 45 of 2003.]

## **6. Register at dog pound**

(1) Every person in charge of a dog pound shall keep a register in which he shall enter the particulars relating to every dog taken to the pound, including—

- (a) the breed, colour and other distinctive features of the dog;

- (b) the place at which the dog was caught;
- (c) the day and time at which the dog was brought to the dog pound;
- (d) the day and time at which the dog was—
  - (i) returned to its owner; or
  - (ii) was disposed of.

(2) The register referred to in subsection (1) shall, during office hours, be available for inspection by the owner of a dog which is, or has been, kept at the dog pound.

[S. 6 amended by Act 45 of 2003.]

## **7. Regulations**

(1) The Minister may make such regulations as he thinks for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide—

- (a) for the amendment of the Schedule;
- (b) for the levying of charges and the taking of fees.

[S. 7 amended by Act 45 of 2003.]

## **8. Offences**

Any person who contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

## **9. Consequential Amendments**

(1) The Mauritius Society for the Prevention of Cruelty Animals Act is amended in section 4, by deleting paragraph (b).

(2) The Mauritius Society for the Prevention of Cruelty to Animals (Officers' Powers and Protection) Act is amended—

- (a) in section 2, by deleting the following definitions—
  - “airport” includes the Sir Seewoosagur Ramgoolam International Airport as defined in the Customs Regulations 1989;
  - “dog catcher” means a person engaged as such by the Society;
  - “employer” means a dog catcher, an inspector or a subinspector;
  - “stray dog” means any dog at large and apparently not under the control or charge of any person;
- (b) in section 3, by deleting subsection (5);
- (c) by deleting sections 4, 4A, 4B, 5 and 6;
- (d) in section 8, by deleting the words, “subinspector, driver or dog catcher” and replacing them by the words “or subinspector”.

**10. Commencement**

This Act shall come into operation on a day to be fixed by Proclamation.

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**SCHEDULE**

[Section 4]

Reclamation fee for a—	Rupees
(a) registered dog .....	400
(b) registered dog which is not wearing a disc/collar .....	450
(c) registered dog which is wearing a disc/collar not belonging to it .....	500
(d) dog which is not registered .....	550
(e) registered dog caught for the second time .....	600
Poundage fee .....	600

[Sch. added by Act 45 of 2003.]

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