

New Zealand Legislation: Acts

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33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
 - (a) has not been classified as a dangerous dog under section [31](#); but
 - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
 - (i) any observed or reported behaviour of the dog; or
 - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of section [33E\(1\)\(a\)](#), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
 - (a) the classification; and
 - (b) the provisions of section [33E](#) (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under section [33B](#); and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections [33EA](#) and [33EB](#) if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Sections 33A to 33F were inserted, as from 1 December 2003, by section [21](#) Dog Control Amendment Act 2003 (2003 No 119).

Subsection (3) was amended, as from 1 November 2004, by section [10](#) Dog Control Amendment Act 2004 (2004 No 61) by inserting the words "in the prescribed form" after the words "written notice".

Subsection (3)(c) was amended, as from 28 June 2006, by section [13](#) Dog Control Amendment Act 2006 (2006 No 23) by adding the expression "; and".

Subsection (3)(d) was inserted, as from 28 June 2006, by section [13](#) Dog Control Amendment Act 2006 (2006 No 23).

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63 Owner liable for damage done by dog

- (1) The owner of a dog shall be liable in damages for damage done by the dog, and it shall not be necessary for the person seeking damages to show a previous mischievous propensity in the dog, or the owner's knowledge of any such mischievous propensity, or that the damage was attributable to neglect on the part of the owner of the dog.
- (2) This section does not apply in respect of any damage done by a dog that—
 - (a) is kept, or is being used, or is certified for use by a specified agency; and
 - (b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency; and
 - (c) if, had this section not been enacted, there could be no claim for the damage against the agency concerned or any of its officers or employees or the owner of the dog.

Compare: 1982 No 42 s 61; 1985 No 172 s 3

Subsection (2) was substituted, as from 1 December 2003, by section 39 Dog Control Amendment Act 2003 (2003 No 119).