



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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N\$2.20

WINDHOEK - 3 July 2008

No. 4077

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## Government Notice

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### MINISTRY OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT

No. 166 2008

#### MODEL REGULATIONS FOR CONTROL OF DOGS IN LOCAL AUTHORITY AREA: LOCAL AUTHORITIES ACT, 1992

The Minister of Regional and Local Government, Housing and Rural Development, under section 94(2) of the Local Authorities Act, 1992 (Act No. 23 of 1992), read with section 15 of the Municipal Dog Tax Ordinance, 1967 (Ordinance No. 13 of 1967), has -

- (a) made the regulations set out in the Schedule; and
- (b) repealed Government Notice No. 131 of 3 September 1968, and Amendment Government Notices Nos. 108 of 3 July 1973, 267 of 15 December 1973, 33 of 15 February 1978, 119 of 1 July 1988 and 159 of 16 November 1992.

**J. EKANDJO**  
**MINISTER OF REGIONAL AND LOCAL**  
**GOVERNMENT, HOUSING AND**  
**RURAL DEVELOPMENT**

Windhoek, 16 June 2008

## SCHEDULE

### Definitions

1. For the purpose of these regulations, unless the context indicates otherwise, a word or expression defined in the Ordinance or in the Local Authorities Act, 1992 (Act No. 23 of 1992), has that meaning, and -

“Ordinance” means the Municipal Dog Tax Ordinance, 1967 (Ordinance No. 13 of 1967).

### Register of dog licences

2. (1) An authorized officer must keep a register of all licences issued and must note therein the name and place of residence of the person taking out the licence, a name and type of the dog, its gender and the number of the licence and metal badge, as well as the period of validity of the licence.

(2) The register referred to in subregulation (1) is open for inspection by any person during office hours.

### Form of licence

3. A licence is in the form set out in Annexure A, and must serve as the only proof that the dog tax in respect of the local authority area concerned has been paid.

### Certificate of exemption

4. A certificate of exemption is in the form set out in Annexure B, and must serve as the only proof that the owner has been exempted from dog tax in respect of the local authority area concerned.

### Metal badge

5. The metal badge must display the name of the local authority area with the words “Dog Tax”, the year for which it is valid and the number which appears on the licence.

### Issue of licence and metal badge

6. The authorized officer, on payment of the prescribed tax fees, may issue a licence and metal badge, as well as a duplicate thereof on payment of N\$1 for every duplicate.

### Transfer of licence

7. If the holder of a valid licence transfers his or her ownership in the dog to which the licence refers to any other person, he or she may also cause the licence to be transferred as follows -

- (a) the holder must give his or her consent in writing to such transfer;
- (b) the transferee must apply to the authorized officer for the transfer of the licence and hand in for transfer the licence as well as the metal badge;

- (c) the particulars required in regulation 2 are noted in the register;
- (d) a new licence with the number of the metal badge is then issued;
- (e) an appropriate note is made opposite the old entry and the old licence is cancelled in red ink and kept for the remainder of its validity and thereafter destroyed.

### **Impounding of dogs**

**8.** (1) A dog found in any place, except on the property of the person keeping the dog, without the metal badge issued in respect of that dog or transferred to it, may be impounded by an authorised officer.

(2) A council must immediately after a dog was impounded notify the impounding of a dog by displaying a notice to that effect at the offices of the council.

(3) The owner of an impounded dog may claim it on payment of any tax or late fee owing and of the custody fee contemplated in subregulation (4).

(4) A custody fee includes the actual cost of keeping an impounded dog and the veterinary expenses incurred by the council in respect of the dog, but the custody fee may not be less than N\$ 10 per day or part thereof.

(5) A council may, at the expiry of the period referred to in section 12 of the Ordinance, sell or destroy a dog impounded under subregulation (1).

### **Proceeds of sale of dog**

**9.** The proceeds of the sale of a dog impounded and sold by a council is used to defray the cost of maintenance of such dog in the pound and costs entailed by the sale thereof and any balance remaining accrues to the revenue of the council.

### **Vicious or dangerous dog**

**10.** (1) A person keeping a vicious or dangerous dog may not allow the dog to be in any street, on any road or in any public place, unless it is on an effective lead or is muzzled.

(2) If a dog referred to in subregulation (1), whether licensed or not, attacks a person, an animal or another dog, an authorized officer may seize it and deal therewith in accordance with the instructions of the council.

(3) A person keeping a dog that may be vicious or dangerous, must take the necessary precautions to prevent such dog from attacking any person visiting the premises for the execution of his or her duties at any reasonable time.

(4) Despite subregulation (3), a person keeping a dog must erect at every entrance to the premises a notice board with the words "Beware of the Dog" in legible writing, and such notice board must at all times be kept in a legible condition and at a visible place.

### **Dog suffering from infectious or contagious disease**

**11.** A dog suffering from mange or any other infectious or contagious disease found in a street, on a road or in a public place may be seized or destroyed by an authorized officer.

**Incitement of dog**

12. A person may not incite or encourage a dog to attack, hinder or frighten any other person or any other animal.

**Nuisance dog**

13. A person may not keep a dog that disturbs the neighbours or that is a nuisance to them by barking or whining or howling continually or excessively.

**Bitch on heat and unattended dog**

14. (1) A person who keeps a dog may not allow a bitch on heat to run loose in a street or public place.

(2) A person who keeps a dog may not allow the dog, licensed or not, to walk around unattended in a public place or on private property, except on the properly fenced property of its owner, keeper or any person entrusted with it.

**Dog on commonage**

15. A dog running loose on the commonage may be seized or destroyed by an authorized officer.

**Restriction of number of dogs**

16. (1) A council may restrict the number of dogs on any premises in the local authority area.

(2) A council may make a concession and may withdraw such concession with reason or without the council giving any reason whatsoever.

(3) A person who keeps on his or her premises more dogs than the number of dogs restricted by the council concerned commits an offence.

**Penalty**

17. A person who contravenes any of these regulations commits an offence and is liable to a fine not exceeding N\$ 2000 or to imprisonment not exceeding two months, or to both such fine and such imprisonment.

ANNEXURE A

LICENCE FOR KEEPING OF DOG

Municipal Dog Tax Ordinance, 1967 (Ord. No. 13 of 1967)

(Section 5)

Local Authority Area:..... Received from:.....

.....

Address:.....

Amount paid:.....

being dog tax for the year..... in respect of (name of dog):

..... Type:.....

Metal badge No:..... Gender:.....

.....  
Signature of Authorised Officer

.....  
Date

ANNEXURE B

CERTIFICATE OF EXEMPTION FROM PAYMENT OF DOG TAX

Municipal Dog Tax Ordinance, 1967 (Ord. No. 13 of 1967)

(Section 6)

Local Authority Area:.....

Name:.....

Address:.....

is, in terms of section 6 of the Ordinance, hereby exempted from the payment of dog tax

for the period:..... to.....in respect of

(name of dog):..... Type:.....

Metal badge No:..... Gender:.....

Reason for exemption:.....

.....  
Signature of Authorised Officer

.....  
Date