



PARLIMEN MALAYSIA



BILL

Minor Offences (Amendment) 1960

D.R.29/1960

(Presented and read a first time and ordered to be printed, 8th August, 1960.)

A BILL
intituled

An Act to amend the Minor Offences Ordinance, 1955.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Minor Offences (Amendment) Act, 1960. Short title.

2. Section 7 of the Minor Offences Ordinance, 1955, is hereby deleted and the following new section substituted therefor: Amendment of section 7, 3 of 1955.

"Liability of dog owner.

7. (1) The owner of every dog which shall cause injury to any person shall be liable to a fine not exceeding fifty dollars; and compensation for any such injury not exceeding one hundred dollars shall be assessed by the magistrate and shall be recoverable in the manner provided by law for the recovery of fines before magistrates, in addition to any other fine imposed under this sub-section, from the owner of the dog and shall be payable to the person injured.

(2) In any prosecution relating to any dog under sub-section (1), it shall not be necessary to show a previous vicious propensity in such dog or the owner's knowledge of such previous propensity or that the injury was attributable to neglect on the part of such owner.

(3) The occupier of any house or premises where any dog was kept or permitted to live or remain at the time of causing any such injury as is referred to in sub-section (1) shall be deemed to be the owner of such dog and shall be liable as such unless the said occupier can prove that he was not the owner of such dog at the time the injury complained of was committed and that such dog was kept or permitted to live or remain in the said house or premises without his sanction or knowledge:

Provided that where there are more occupiers than one in any house or premises let in separate apartments or lodgings or otherwise, the occupier of that particular

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part of the premises in which such dog shall have been kept or permitted to live or remain at the time of such injury shall be deemed to be the owner of such dog.

(4) No compensation shall be payable to any person under this section in respect of injury sustained in any house or premises except upon proof that he entered such house or premises in the ordinary course of his duties or with the express or implied permission of the occupier.

(5) Any dog in respect of which the owner has been convicted of an offence under sub-section (1) may, if the dog has bitten or attempted to bite any person, be destroyed by order of a Magistrate:

Provided that no such order shall be made unless a veterinary officer shall have certified that the dog has a vicious propensity."

EXPLANATORY STATEMENT

The failure of dog-owners to keep ferocious dogs under proper control has become a common occurrence as is evidenced by the frequent cases of postmen being bitten. This Bill seeks to provide that any person, who, by express or implied permission or in the course of their duties, suffers injury from a dog bite shall be awarded compensation to be assessed by a Magistrate.

[A.G. 2315.]