

approved at Council
5-10-70
LR

ORDINANCE
Ordinance of the Chief Pleas

entitled

The Control of Dogs (Sark) Ordinance, 1970

THE CHIEF PLEAS OF SARK, in pursuance of the provisions of subsection (1) of section eight of the Reform (Sark) Law, 1951, and in pursuance of their Resolution of the *Whiteth* day of *September*, nineteen hundred and seventy, and of all other powers enabling them in that behalf, hereby order:-

Restriction upon the import and keeping of bitches.

1.(1) Subject to the provisions of this section a person shall not import or keep any unspayed bitch.

(2) A person visiting the Island for a period or periods not exceeding in the aggregate twenty-eight days in any one calendar year may import and keep not more than two bitches, whether they be spayed or unspayed, during such period or periods.

(3) Subject to the provisions of the preceding subsection, a person shall not import or keep any spayed bitch unless at the time of import such bitch is accompanied by a certificate (hereinafter called a "spaying certificate") signed by a veterinary surgeon.

(4) A spaying certificate shall contain such particulars of the breed, age, colour or other characteristics of the bitch to which it relates as may be necessary to identify the bitch, together with a statement that the bitch has been spayed.

(5) The foregoing provisions of this section shall not apply to the importation or keeping of any bitches by the Seigneur.

Dogs worrying livestock.

2.(1) Subject to the provisions of this section, if a dog worries livestock on any agricultural land, the owner of the dog, and if it is in the charge of a person other than its owner, that person also, shall be guilty of an offence.

(2) No person shall be guilty of an offence under this section if at the material time the livestock are trespassing on the agricultural land in question and the presence of the dog upon the land is authorised by the owner or the occupier of the land, except in a case where the said person causes the dog to attack the livestock.

(3) The owner of a dog shall not be convicted of an offence under this section in respect of the worrying of livestock by the dog if he proves that at the time when the dog worried the livestock it was in the charge of some other person, whom he reasonably believed to be a fit and proper person to be in charge of the dog.

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Liability of owner of dog for injury to livestock.

3. The owner of a dog shall be liable in damages for injury done to any livestock by that dog; and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such previous propensity, or to show that the injury was attributable to neglect on the part of the owner.

Protection of livestock.

4. Where any dog is in the act of worrying livestock or, having worried livestock, cannot otherwise be prevented from immediately resuming such worrying, the owner of the livestock may use such force against the dog as may be necessary to protect the livestock and the owner of the livestock shall not be liable in damages in respect of injury or death caused to the dog:

Provided that the foregoing provisions of this section shall not apply in any case where the livestock are trespassing at the material time upon ~~the~~ land where the dog is lawfully present.

Dogs straying in the Côtils.

5.(1) The owner of a dog found straying in the Côtils shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding one pound.

(2) If, in the proceedings under this section, the owner of a Côtil gives evidence upon oath that the dog was found straying in his Côtil, the burden of proving the contrary shall lie upon the owner of the dog.

Dangerous dogs.

6. The Court of the Seneschal may take cognizance of a complaint that a dog is dangerous and not kept under proper control and if it appears to the Court that such dog is dangerous, the Court may make an order directing that the dog be kept by the owner under proper control or destroyed and any person failing to comply with such an order shall be liable to a fine not exceeding twenty shillings for every day during which he fails to comply with such order.

"spayed" means rendered incapable of breeding by the surgical operation of ovaro-hysterectomy, and cognate expressions shall be construed accordingly;

"veterinary surgeon" means a person permitted to practice as such by the law of the country in which he resides;

"worry" means to attack livestock or to chase livestock in such a way as may be reasonably expected to cause injury or suffering to the livestock, or, in the case of females, abortion or loss of or diminution in their produce, and cognate expressions shall be construed accordingly;

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as if the same were an enactment in force in the Island of Guernsey.

Repeals.

11. The Ordinances set out in the first column of the Schedule to this Ordinance are hereby repealed to the extent set out in the second column of that Schedule.

Renaming.

12. This Ordinance may be cited as the Control of Dogs (Sark) Ordinance, 1970.

Offences.

7. Any person who acts in contravention of or fails to comply with the provisions of this Ordinance shall be guilty of an offence against this Ordinance.

Penalties.

8. Any person who is convicted of an offence against this Ordinance for which no penalty is specially provided shall be liable on conviction for a first offence to a fine not exceeding twenty pounds and for a second or subsequent conviction in respect of the same dog to a fine not exceeding fifty pounds.

Power of the Court to make orders.

9. Where any person is convicted of an offence against section one or section two of this Ordinance, the Court may, in addition to imposing any penalty authorised by the preceding section, make such order regarding the future control of the dog in respect of which the conviction was sustained, the removal of the dog from the Island or the destruction of the dog, as the Court may deem necessary in the public interest.

Interpretation.

10.(1) In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

"agricultural land" means land used as arable, meadow or grazing land, or for the purpose of poultry farming, pig farming, market gardens, allotments, nursery grounds or orchards, and includes cotils;

"bitch" means a female dog;

"calendar year" means the period commencing on the first day of January and terminating on the thirty-first day of December next following;

"dog" includes all animals of the canine species, wild or domesticated;

"livestock" means cattle, sheep, goats, swine, horses, donkeys, or poultry;

"owner" includes the person in charge of a dog or livestock;

SCHEDULE

(Section eleven)

Ordinances repealed

<u>Ordinance</u>	<u>Extent of repeal</u>
1. The Ordinance of the eleventh day of May, sixteen hundred and ninety-eight, prohibiting the keeping of bitches.	The whole Ordinance
2. The Ordinance of the twelfth day of October, seventeen hundred and eighty-five concerning the keeping of dogs and other matters relating to dogs.	So much of the Ordinance as remains unrepealed.
3. The Ordinance of the third day of April, nineteen hundred and seven, concerning the worrying of sheep and trespass of dogs and renewing the abovementioned Ordinance of the eleventh day of May, sixteen hundred and ninety-eight.	The whole Ordinance.