

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Control of Dogs Ordinance, 1992 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XXVI, p. 49; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991 (No. XIII of 1991, Ordres en Conseil Vol. XXXIII, p. 217); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010).

ORDINANCE

OF THE STATES OF DELIBERATION

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The Control of Dogs Ordinance, 1992

ARRANGEMENT OF SECTIONS

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(Made on 27th May, 1992.)

The Control of Dogs Ordinance, 1992

THE STATES, in pursuance of their Resolution of the 1st August, 1991^a, hereby order: –

Control of dogs.

1. Any person who is the owner of a dog shall exclude the dog from –
 - (a) any children's play area set out in Part I of the Schedule,
 - (b) any street, road, quay, jetty or walk set out in Part II of the Schedule, unless the dog is at all times on a lead and under close supervision,
 - (c) any public sports playing field set out in Part III of the Schedule, unless the dog is at all times on a lead and under close supervision,
 - (d) any beach set out in Part IV of the Schedule at any time between the 1st May and the 30th September (both dates inclusive) in any year,
 - (e) the bathing pools and the precincts thereof at La Vallette.

Clearance of fouling in public places.

^a Article XV of Billet d'État XX of 1991.

2. (1) Any person in charge of a dog in a public place shall remove immediately any faeces deposited there by the dog.

(2) In subsection (1) the expression to "**remove**" means to remove the faeces from that place or to deposit the faeces in a receptacle provided for the specific purpose.

Prohibition of fouling in certain places.

3. No person in charge of a dog shall permit the dog to foul any street, road, quay, jetty or walk set out in Part II of the Schedule by depositing its faeces thereon.

Offences.

4. (1) A person who without reasonable excuse (proof whereof shall lie on him) contravenes any provision of section 1, 2 or 3 is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the uniform scale.

(2) A person is not guilty of an offence under this Ordinance by reason of anything done or omitted to be done under the authority of and in accordance with the conditions of a licence under section 7(1).

(3) It is not a reasonable excuse for a person charged with a contravention of section 2 to show that he did not have with him any means of removing the faeces in question.

NOTE

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 4 of this Ordinance may be discharged by payment of a fixed penalty.

Owner deemed to be person in charge.

5. For the purposes of sections 2 and 3, the owner of a dog shall be deemed to be the person in charge thereof unless the owner satisfies the court that at the time of the alleged offence the dog was in the charge of some other person.

Certain dogs exempted.

6. The provisions of this Ordinance do not apply to –
- (a) a blind person in charge of a dog which is used solely by him for his guidance,
 - (b) a police dog or customs dog in the charge of an officer of police or, as the case may be, a States Revenue Officer.

NOTE

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, with effect from 30th September, 1991, the reference in this section to the "States Revenue Officer" shall, save where the context otherwise requires, be deemed to be a reference to a person authorised by the Committee for Home Affairs to act as an officer of Customs and Excise.

Exemption by licence.

7. (1) The [President] of the [Committee for the Environment & Infrastructure] may by licence exempt –
- (a) the owner or person in charge of any dog specified in the licence, or
 - (b) the participants in or organisers of any event or show (whether the participants or organisers are named in the

licence or are referred to by general description);

from any provision of this Ordinance.

(2) A licence under subsection (1) may be granted subject to such conditions (whether as to the purposes or the period for which the licence may be exercised or otherwise) and subject to the payment of such fee as the [President] of the [Committee for the Environment & Infrastructure] may think fit.

(3) A person wishing to obtain a licence under subsection (1) shall make an application in that behalf to the [President] of the [Committee for the Environment & Infrastructure] not less than three weeks before the licence is desired to come into effect.

NOTES

In section 7, the words "President" and "Committee for the Environment & Infrastructure" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Interpretation.

8. In this Ordinance –

"beach" includes any slope, slip or staircase leading to the beach,

"contravention" includes failure to comply, and cognate expressions shall be construed accordingly,

"officer of police" means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

"owner" in relation to a dog in respect of which section 7 of the Dog Licences (Guernsey) Law, 1969^b is for the time being complied with, means the person whose name is borne on the collar, or on the metal disc attached to the collar, of the dog,

"public place" means any place to which the public are entitled or permitted to have access,

"street" and **"road"** include any adjacent footpath.

NOTE

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

Repeals.

9. The Prohibited Places (Dogs) Ordinances, 1970 and 1982^c, section 3 of the Ordinance entitled "Ordonnance relative aux Bains de Mer dans la Baie de la

^b Ordres en Conseil Vol. XXII, p. 296.

^c Recueil d'Ordonnances Tome XVI p. 450; and Tome XXII p. 194.

Vallette" of 1869, as amended^d, and section 1(c) of La Vallette (Bathing Places) (Amendment) Ordinance, 1982 are repealed.

Extent.

10. This Ordinance shall apply to the Islands of Guernsey and Herm.

Citation.

11. This Ordinance may be cited as the Control of Dogs Ordinance, 1992.

Commencement.

12. This Ordinance shall come into force on the 1st June, 1992.

^d Recueil d'Ordonnances Tome IV, p. 96; and Tome XXII, p. 195.

SCHEDULE

PART I

CHILDREN'S PLAY AREAS (PROHIBITED AT ALL TIMES)

Play areas at –

- (a) Saumarez Park,
- (b) Delancey Park,
- (c) Beau Sejour Park,
- (d) Cambridge Park,
- (e) Les Amarreurs,
- (f) Le Grand Bouet, Rue des Pins, Saint Peter Port,
- (g) Le Courtil St. Jacques, Saint Peter Port,
- (h) La Rue des Escaliers and Rue Jehannet, Saint Martin's.

All playgrounds of States schools.

The playgrounds of Saint Mary and Saint Michael School and Notre Dame du Rosaire School.

PART II

STREETS, ROADS, QUAYS, JETTIES OR WALKS (PROHIBITED UNLESS
DOG IS ON LEAD AND UNDER SUPERVISION)

1. High Street, Church Square, Market Hill, Commercial Arcade, Market Street, Mill Street, Mansell Street, Contrée Mansell, Mansell Court, the Bordage, Fountain Street, Smith Street, Pollet Street, the North Pier Steps, the Venelles leading from High Street to the Quay, Quay Street, Cow Lane, Saint Peter Port and the roads, quays, jetties and walks of the Harbour of Saint Peter Port.

2. New Road, Saint Sampson's, from its junction with Saint Sampson's Bridge to its junction with Brock Road.
3. Saint Sampson's Bridge.
4. Vale Avenue, Vale, from its junction with Saint Sampson's Bridge to its junction with Summerfield Road and Braye Road.
5. The roads and quays on the northern side of Saint Sampson's Harbour lying between Saint Sampson's Bridge and the Old North Pier.
6. Burnt Lane, Back Street, Port Vase, Les Corbins Lane, Les Corbins Steps, Bruce Lane (Upper Canichers) and Water Lanes, Saint Peter Port.
7. Les Canichers, Saint Peter Port, from its junction with Saint Julian's Avenue to its junction with Bosq Lane.

PART III

PUBLIC SPORTS PLAYING FIELDS (PROHIBITED UNLESS DOG IS ON LEAD AND UNDER SUPERVISION)

Playing fields at –

- (a) Delancey Park,
- (b) Beau Sejour Park,
- (c) Cambridge Park,
- (d) Victoria Avenue,
- (e) Saumarez Park,
- (f) the Vale Commons,

- (g) Rovers Football Club, Port Soif.

Les Brehauts playing fields.

Osmond Priaux Memorial playing fields.

Sylvans playing fields.

All playing fields owned by the States.

PART IV
BEACHES (PROHIBITED BETWEEN THE 1ST MAY
AND THE 30TH SEPTEMBER)

The following beaches marked in red on maps numbered DG1 and DG2 which, for the purposes of identification, have been signed by the Bailiff on the 29th April, 1992 and lodged at the Greffe –

Map DG1 (Guernsey)

- (a) Fermain,
- (b) Petit Bot,
- (c) L'Eree,
- (d) Vazon,
- (e) Cobo,
- (f) Port Soif,
- (g) L'Ancrese/Pembroke.

Map DG2 (Herm)

Shell Beach.

Belvoir Bay.

Fisherman's Beach.

The area of beach from in front of the White House Hotel to the Herm Harbour Jetty.

1 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(c), Schedule 2, paragraph 2(c), with effect from 6th May, 2004.

2 The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(c), Schedule 2, paragraph 2(c), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.