

PROJET DE LOI

ENTITLED

The Dog Licences (Guernsey) Law, 1969 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XXII, p. 296; as amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the Dog Licences (Amendment) (Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 163); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Dog Licences (Guernsey) (Amendment) Law, 2003 (No. XXVIII of 2003); the Dog Licences (Guernsey) (Amendment) Law, 2015 (No. I of 2016). This Law is applied, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969 (Ordres en Conseil Vol. XVI, p. 202). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010); the Dog Tax (Guernsey) Ordinance, 1990 (Recueil d'Ordonnances Tome XXV, p. 155).

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ARRANGEMENT OF SECTIONS

1. Charge of dog tax.
2. Exemptions.
3. Issue of licences by the Constables.
4. Duration of licences.
5. Register of licences.
6. Application of dog tax, etc.
7. Dog collars.
8. Penalties.
9. Interpretation.
10. Repeal.
11. Citation and commencement.

SCHEDULE

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The Dog Licences (Guernsey) Law, 1969

THE STATES, in pursuance of their Resolution of the thirtieth day of April, nineteen hundred and sixty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Charge of dog tax.

1. (1) Subject to the provisions of this Law, there shall be charged in respect of every dog kept in the Island of Guernsey a tax (hereafter in this Law referred to as "**dog tax**") of [50 new pence] or such other sum as the States may from time to time by Ordinance prescribe, which shall be paid annually upon a licence to be taken out by the person who keeps the dog.

(2) Where at any time during the period commencing on the first day of July and ending on the thirty-first day of December in any year a licence under this Law is taken out by any person in respect of a dog which he has commenced to keep during that period or which has attained the age of six months during that period, the amount of dog tax which shall be paid upon such licence being taken out shall be [25 new pence] or such other sum as the States may from time to time by Ordinance prescribe.

NOTES

In section 1, the figures and words in square brackets were substituted in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971.

The Law is applied to the Island of Alderney by the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, with effect from 1st January, 1970, subject to the exceptions, adaptations and modifications specified in the Schedule to the 1969 Ordinance.

In its application to the Island of Alderney, section 1 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 1, with effect from 1st January, 1970.

The following Ordinances have been made under section 1:

*Dog Tax (Guernsey) Ordinance, 1990;
Dog Tax (Amendment) (Guernsey) Ordinance, 2011.*

In accordance with the provisions of the Dog Tax (Guernsey) Ordinance, 1990, section 1, the dog tax payable under this section shall be £10 under subsection (1) and £5 under subsection (2), with effect from 1st January, 2012.

Exemptions.

2. No dog tax shall be chargeable –
- (a) in respect of a dog under the age of six months,
 - (b) in respect of a dog kept and used solely by a blind person for his guidance,
 - [(c) in respect of a dog kept and used solely by a deaf or disabled person or such other category of person as the States may by Ordinance specify, for their hearing or guidance, as the case may be.]

NOTES

In section 2, paragraph (c) was inserted by the Dog Licences (Guernsey) (Amendment) Law, 2003, section 1, with effect from 1st December, 2003.

In its application to the Island of Alderney, section 2 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 1, with effect from 1st January, 1970.

Issue of licences by the Constables.

3. A licence under this Law in respect of a dog kept by any person shall be issued by a Constable of the parish in which that person has his ordinary place of residence at the time the licence is issued to that person.

NOTE

In its application to the Island of Alderney, section 3 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 2, with effect from 1st January, 1970.

Duration of licences.

4. A licence taken out under this Law shall be in force from and including the day on which it is taken out until and including the thirty-first day of December next following the day on which it is taken out.

Register of licences.

5. (1) The Constables of every parish shall keep a register of all licences issued by them under this Law, specifying the name and place of abode of the person to whom such licence is issued and the number of dogs in respect of which the licence is issued.

(2) An officer of police may at any convenient time inspect so much of any register kept under this section as relates to the licences issued in the current or preceding year.

NOTE

In its application to the Island of Alderney, section 5 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 3, with effect from 1st January, 1970.

Application of dog tax, etc.

6. (1) The Constables of any parish shall stand possessed of any sums received by them in payment of dog tax and such sums shall be applied by the Constables and Douzaine of that parish for the benefit of that parish as the Constables and Douzaine deem fit.

(2) ...

NOTES

In section 6, subsection (2) was repealed by the Dog Licences (Guernsey) (Amendment) Law, 2015, section 1, with effect from 11th January, 2016.

In its application to the Island of Alderney, section 6 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 4, with effect from 1st January, 1970.

Dog collars.

7. (1) A person who keeps a dog in respect of which dog tax is chargeable under this Law shall ensure that the dog, while on a public highway, is wearing round its neck a collar bearing on it, or having attached to it a disc made of metal or other durable material bearing on it, in clearly legible letters, the initial letters of the Christian names of that person followed by the surname of that person and the distinguishing letter of the parish in which that person has his ordinary place of residence.

(2) For the purpose of subsection (1) of this section, the

distinguishing letter of a parish shall be the letter specified in the second column of the Schedule to this Law opposite the reference to that parish in the first column of that Schedule.

NOTES

In its application to the Island of Alderney, section 7 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 4, with effect from 1st January, 1970.

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 7 of this Law may be discharged by payment of a fixed penalty.

Penalties.

8. (1) If a person –
- (a) keeps a dog for which a licence under this Law is not in force, not being a dog exempted from dog tax by virtue of section two of this Law,
 - (b) keeps a greater number of dogs than he is authorised to keep by virtue of a licence in force under this Law,
 - (c) fails or refuses to comply with the provisions of subsection (1) of the last preceding section,

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

(2) If a person who has taken out a licence under this Law fails to produce the licence for inspection by a Constable of the parish in which he has his

ordinary place of residence or by an officer of police within a reasonable time after a request for its production has been made by that Constable or officer, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

(3) In proceedings for an offence under subsection (1) of this section it shall rest on the accused to prove the age of the dog to which the proceedings relate and, where the case requires, to prove when he commenced to keep the dog to which the proceedings relate.

NOTE

In section 8, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹

In its application to the Island of Alderney, section 8 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 5, with effect from 1st January, 1970.

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 8 of this Law may be discharged by payment of a fixed penalty.

Interpretation.

- 9.** (1) In this Law –
- (a) the expression "**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,
 - (b) the expression "**public highway**" means any road,

street, lane, way or place which is public or to which the public has access.

(2) A person in whose custody, charge or possession, or in whose house or premises, a dog shall be found or seen shall, unless the contrary is proved, be deemed for the purposes of this Law to be the person who keeps that dog.

NOTES

In its application to the Island of Alderney, section 9 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 6, with effect from 1st January, 1970.

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.

Repeal.

10. The Law entitled "Loi sur les Chiens" registered on the fifth day of September, nineteen hundred and twenty-two^a, is hereby repealed.

Citation and commencement.

11. (1) This Law may be cited as the Dog Licences (Guernsey) Law, 1969.

(2) This Law shall come into force on the first day of January, nineteen hundred and seventy.

^a Ordres en Conseil Vol. VI, p. 468.

SCHEDULE

Section seven

Parish	Distinguishing letter
Saint Peter Port	A
Saint Sampson	B
The Vale	C
The Castel	D
Saint Saviour	E
Saint Peter-in-the-Wood	F
Torteval	G
The Forest	H
Saint Martin	I
Saint Andrew	K

NOTE

In its application to the Island of Alderney, the Schedule is modified in accordance with the provisions of the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969, section 1, Schedule, paragraph 7, with effect from 1st January, 1970.

¹ Section 8 was previously amended by the Dog Licences (Amendment) (Guernsey) Law, 1983, section 1(a), with effect from 29th April, 1983.