

VI
1974

STATES OF ALDERNEY
ORDINANCE OF THE STATES

Made 2nd October, 1974
Coming into force 1st January, 1975

THE DOGS (ALDERNEY) ORDINANCE, 1974

THE STATES, on the representations of the Agricultural and States Dairy Committee, hereby order:-

Dog collars and identity discs.

1.(1) The owner of a dog in respect of which dog tax is chargeable under the Dog Licences (Guernsey) Law, 1969 (hereinafter referred to as "the law of 1969"), shall ensure that the dog, while on a public highway, is wearing round its neck a collar having attached to it a disc issued by the Treasurer of the States and bearing on it, in clearly legible figures, the number for the time being assigned by the Treasurer of the States in respect of that dog and specified in the register of licences kept under the Law of 1969.

(2) A person who fails or refuses to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

(3) An officer of police may, for the purpose of ascertaining its owner, seize and detain any dog which he may reasonably suspect to be a dog in respect of which dog tax is chargeable under the Law of 1969 and which is found on a public highway not wearing a collar or a disc in accordance with the provisions of subsection (1) of this section; and any dog seized and detained under this subsection shall be treated for the purposes of this Ordinance as if it were a stray dog.

Seizure of stray dogs.

2.(1) Subject to the provisions of subsection (2) of this section, where an officer of police has reason to believe that a dog found on a public highway is a stray dog, he may seize the dog and detain it until the owner of the dog has claimed it and paid all expenses incurred by reason of its detention.

(2) Where a dog has been detained for seven days under and by virtue of the provisions of subsection (1) of this section and the owner of the dog has not claimed it, an officer of police, duly authorised by the Chief Officer of Police in that behalf, may cause the dog to be assigned to some suitable person or to be destroyed.

Penalty where dog worries livestock.

3.(1) Subject to the provisions of this section, if a dog worries any livestock, 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 and liable, on conviction, to a fine not exceeding fifty pounds.

(2) For the purpose of this section worrying livestock means –

- (a) attacking livestock, or
- (b) chasing livestock in such a way as may reasonably be expected to cause injury or suffering to the livestock, or, in the case of females, abortion, or loss of or diminution in their produce.

(3) A person shall not be guilty of an offence under subsection (1) of this section in respect of the worrying of livestock by a dog, if at the material time the livestock are trespassing on the premises of which that person is the occupier, except in a case where that person causes the dog to attack the livestock.

(4) The owner of a dog shall not be convicted of an offence under subsection (1) of this section in respect of the worrying of livestock by the dog if he proves that at the material time 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.

Dangerous dogs.

4.(1) If a dog which is dangerous is not being kept under proper control, 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 and liable, on conviction, to a fine not exceeding fifty pounds.

(2) Upon the conviction of the owner of a dog of an offence under subsection (1) of this section, the Court may, in addition to imposing a fine, make an order directing him to cause the dog to be destroyed; and where it appears to the Court that the dog has caused any damage or injury, the Court may, upon application being made to it in that behalf by the person aggrieved, make a further order directing the owner of a dog to pay to that person such sum by way of compensation as the Court thinks proper.

(3) Where a person fails or refuses to comply with any order made under the last foregoing subsection within the seven days next following the day of the making of the order, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds; and where the offence consists of a failure or refusal to comply with an order directing that person to cause a dog to be destroyed, the Court may, by order, authorise an officer of police to seize and detain the dog and to cause it to be destroyed.

(4) For the purposes of this section, a dog which is not muzzled or which is not being held on a leash shall be deemed, unless the contrary is proved, to be not being kept under proper control.

Cruelty to dogs.

5.(1) If a person shall, by doing or omitting to do any act, or by causing any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused, to a dog, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

Upon the conviction of the owner of a dog of an offence under subsection (1) of this section, the Court, in addition to imposing a fine or a term of imprisonment or both a fine and a term of imprisonment, may –

- (a) if it is satisfied that it would be cruel to keep the dog alive by reason of its condition, make an order authorising an officer of police to seize and detain the dog and to cause it to be destroyed; or
- (b) if it is satisfied upon evidence being adduced to it as to a previous conviction of such an offence, or as to the character of the owner of the dog or otherwise, that the dog, if left with the owner, is likely to be exposed to further unnecessary suffering, make an order depriving him of ownership of the dog and authorising an officer of police to assign the dog to some suitable person or to otherwise dispose of it as the Court thinks proper.

Interpretation.

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

“cattle” means bulls, cows, oxen, heifers or calves, and include horses, donkeys, sheep, goats and swine;

“Chief Officer of Police” means the Chief Officer of the salaried police force of the Island of Guernsey;

"livestock" means any cattle or poultry;

"officer of police" means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a special constable appointed by the Court under section sixty-five of the Government of Alderney Law, 1948;

"poultry" means domestic fowls, turkeys, geese or ducks;

"public highway" means any road, street, lane, way or place which is public or to which the public have access.

(2) For the purposes of this Ordinance, 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 to be the owner of that dog.

(3) Except in so far as the context otherwise requires, any reference in this Ordinance to any other enactment, shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

(4) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Repeal.

7. The Alderney Licensing and Control of Dogs Ordinance, 1950, is hereby repealed.

Citation.

8. This Ordinance may be cited as the Dogs (Alderney) Ordinance, 1974.

Commencement.

9. This Ordinance shall come into effect on the first day of January, 1975.