

The Protection of Animals (Sark) Ordinance, 2008

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 16th January 2008, and in exercise of the powers conferred upon them by section 8(1) of the Reform (Sark) Law, 1951^a and of all other powers enabling them in that behalf, hereby order:-

Responsibility for animals.

1. (1) In this Ordinance, references to a person responsible for an animal are to a person responsible for an animal whether on a permanent or temporary basis.

(2) In this Ordinance, references to being responsible for an animal include being in charge of it.

(3) For the purposes of this Ordinance, a person who owns an animal shall always be regarded as being a person who is responsible for it.

(4) For the purposes of this Ordinance, a person shall be treated as responsible for any animal for which a person under the age of 16 years of whom he has actual care and control is responsible.

Unnecessary suffering.

2. (1) A person commits an offence if -

- (a) an act of his, or a failure of his to act, causes an animal to suffer,
- (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,

^a Ordres en Conseil, Vol. XV, p. 215; there are amendments not relevant to this Ordinance.

(c) the animal is a protected animal, and

(d) the suffering is unnecessary.

(2) A person commits an offence if -

(a) he is responsible for a protected animal,

(b) an act, or failure to act, of another person causes the animal to suffer,

(c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and

(d) the suffering is unnecessary.

(3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include

(a) whether the suffering could reasonably have been avoided or reduced,

(b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment,

(c) whether the conduct which caused the suffering was for a legitimate purpose, such as -

- (i) the purpose of benefiting the animal, or
- (ii) the purpose of protecting a person, property or another animal,
- (d) whether the suffering was proportionate to the purpose of the conduct concerned, and
- (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

Administration of poisons etc.

3. (1) A person commits an offence if, without lawful authority or reasonable excuse, he -

- (a) administers any poisonous or injurious drug or substance to a protected animal, knowing it to be poisonous or injurious, or
- (b) causes any poisonous or injurious drug or substance to be taken by a protected animal, knowing it to be poisonous or injurious.

(2) A person commits an offence if -

- (a) he is responsible for a protected animal,
- (b) without lawful authority or reasonable excuse, another person administers a poisonous or injurious drug or substance to the animal or causes the animal to take such a drug or substance, and

(c) he permitted that to happen or, knowing the drug or substance to be poisonous or injurious, he failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.

(3) In this section, references to a poisonous or injurious drug or substance include a drug or substance which, by virtue of the quantity or manner in which it is administered or taken, has the effect of a poisonous or injurious drug or substance.

Imprisonment or fine.

4. (1) A person guilty of an offence under sections 2 or 3 is liable to imprisonment for a term not exceeding 1 month or to a fine not exceeding level 4 on the uniform scale, or both.

Interpretation.

5. (1) In this Ordinance, unless the context otherwise requires –

"**animal**" means a vertebrate other than man;

"**protected animal**" means an animal that -

(a) is of a kind which is commonly domesticated in the British Islands,

(b) is under the control of man whether on a permanent or temporary basis, or

(c) is not living in a wild state; and

"**uniform scale**" means the uniform scale of fines for the time being in

force under the Uniform Scale of Fines (Sark) Law, 1989^b.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^c shall apply to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to a Law is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Repeal.

6. The Ordinance entitled "Law for the protection of cruelty to animals" of 1932 is repealed.

Citation.

7. This Ordinance may be cited as the Protection of Animals (Sark) Ordinance, 2008.

^b Ordres en Conseil Vol. XXXI, p. 320.

^c Ordres en Conseil Vol. XIII, p. 355.