

ORDER IN COUNCIL

XXII

1986

ratifying a *Projet de Loi*

ENTITLED

The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1986

(Registered on the Records of the Island of Guernsey
on the 16th December, 1986.)



1986

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of December, 1986 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquires, O.B.E., Herbert Nicolle Machon, James de Sausmarez Carey, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires and Mrs. Dorothy Winifred Le Pelley, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 5th day of November, 1986, approving and ratifying a *Projet de Loi* entitled "The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1986", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 5th day of November 1986

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 30th day of September 1986 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 26th day of February 1986, the States of Deliberation at a meeting held on the 30th day of July 1986, approved a Bill or “Projet de Loi” entitled “The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1986”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1986”, and to order that the same shall have force of law in the Bailiwick of Guernsey.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1986

THE STATES, in pursuance of their Resolution of the 26th day of February, 1986, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. The Summary Offences (Bailiwick of Guernsey) Law, 1982, as amended (hereinafter referred to as "the principal Law")^(a) is hereby further amended as follows:—

Amend-
ments to
Law of 1982.

(a) in section 1(i), immediately after "words" there is inserted "or behaviour";

(b) section 2 is re-numbered as "2(1)";

(c) in section 2(1)(a), immediately after "wander" there is inserted "or attack or chase a person";

(d) in section 2(1)(b), for the words "a dog" wherever they appear there is substituted "an animal", and for the word "passer-by" wherever it appears there is substituted "person";

(e) in section 2(1)(c), for the words "a dog" wherever they appear, there is substituted "an animal";

(a) Ordre en Conseil No. II of 1982; No. XIII of 1984.

- (f) immediately after subsection (1) there is inserted the following subsections “(2)” “(3)” and “(4)”—

“(2) Upon conviction of a person of an offence contrary to subsection (1)(a), (b) or (c) above, the Court may, if satisfied that an animal is dangerous, and in addition to any other penalty it may impose, make an order for the animal to be kept by the owner or keeper under control or destroyed.

(3) Where an order for the destruction of an animal is made under subsection (2) above, the owner or keeper of the animal may appeal against that order to the Royal Court and for the purposes of the Police Court Appeals Law 1939 such appeal shall be treated as an appeal against sentence.

(4) Pending the disposal of any such appeal, the Magistrate’s Court may make such order for the detention of the animal as may appear appropriate and the reasonable costs of the detention of such animal shall be recoverable from the owner as a civil debt.”

Citation and
collective
title.

2. (1) This Law may be cited as the Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1986.

(2) This Law and the principal Law may be cited together as the Summary Offences (Bailiwick of Guernsey) Laws, 1982 to 1986.

K. H. TOUGH,

Her Majesty’s Greffier.