

ORDER IN COUNCIL

XXIX
1990

ratifying a Projet de Loi

ENTITLED

The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1990

(Registered on the Records of the Island of Guernsey
on the 19th February, 1991.)



1990

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of February, 1991 before Sir Charles Frossard, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe and Lawrence Oscar Ozanne, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of December, 1990, approving and ratifying a Projet de Loi of the States of Guernsey entitled "The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1990", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered:—

1. That the said Order in Council be registered on the records of this Island; and
2. 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 19th day of December 1990

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 7th day of December 1990 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 14th day of December 1989 the States of Deliberation at a meeting held on the 30th day of May 1990 approved a Bill or “Projet de Loi” entitled “The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1990”, 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, 1990”, 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, 1990

THE STATES, in pursuance of their Resolution of the 14th day of December, 1989(*a*), 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. (1) Section 2 of the Summary Offences (Bailiwick of Guernsey) Law, 1982, as amended(*b*) (“the principal Law”) is repealed and the following section is substituted therefor—

Amendment
to Law of
1982.

“2. (1) A person who—

- (a) permits an animal dangerous to other animals or to persons (a “dangerous animal”) to wander or to attack or chase an animal or person;
- (b) incites an animal belonging to him or in his care to attack or chase a person or fails to restrain such an animal from attacking or chasing a person;
- (c) incites an animal belonging to him or in his care to attack or chase, or fails to restrain such an animal from attacking or chasing, an animal belonging to another person;

Offences in
connection
with animals,
fireworks or
disturbances,
etc.

(*a*) Article XIX of Billet d’Etat No. XXV of 1989.

(*b*) Ordres en Conseil Vol. XXVII, p. 397; No. XIII of 1984; No. XXII of 1986.

- (d) ignites or discharges a firework in a public place without the prior permission—
 - (i) in the Island of Guernsey, of the Constables of the parish in which that place is situated;
 - (ii) in the Island of Alderney, of the Clerk of the States;
 - (iii) in the Island of Sark, of the Constable or, in his absence, the Vingtenier;
- (e) makes or contributes to the making of a noise or disturbance to the annoyance of persons in the neighbourhood; or
- (f) interrupts or disturbs a religious service being held in a church or other place of worship or in a cemetery or burial-ground;

shall be guilty of an offence and liable, on conviction of an offence under paragraph (a), to a fine not exceeding level 5 on the uniform scale or to imprisonment for a term not exceeding two months or to both or, on conviction of an offence under any other paragraph, to a fine not exceeding level 3 on the uniform scale or to imprisonment for a term not exceeding two months or to both.

(2) A police officer may—

- (a) enter during the hours of daylight any premises (other than a dwelling), if necessary by force, where he has reasonable suspicion that a dangerous animal is present;

- (b) enter during the hours of daylight any dwelling, if necessary by force, where he has reasonable suspicion that a dangerous animal is present, if authorised by a warrant issued—
 - (i) in the Island of Guernsey, by the Bailiff;
 - (ii) in the Island of Alderney, by the Chairman of the Court of Alderney;
 - (iii) in the Island of Sark, by the Seneschal;
- (c) seize an animal reasonably suspected of being a dangerous animal, whether found in a public or private place, and detain it in such place as the Chief Officer of Police may direct pending proceedings under subsection (1) in respect of it.

(3) Upon conviction of a person of an offence under subsection (1)(a), (b) or (c), the Magistrate's Court may, if satisfied that the animal in relation to which the offence was committed is dangerous, and in addition to any other penalty it may impose, make an order for the animal to be—

- (a) kept under control by the owner or keeper; or
- (b) destroyed under the supervision of the Chief Officer of Police.

(4) An order under subsection (3)(b) shall be treated as part of the sentence for the purposes of any enactment conferring a right of appeal.

(5) Pending the disposal of an appeal brought by virtue of subsection(4), the Magistrate's Court may make such order for the detention of the animal in question as may appear appropriate.

(6) Any costs or expenses reasonably incurred in connection with the detention or destruction of an animal under subsection (2), (3) or (5) shall be recoverable from the owner or keeper of the animal as a civil debt.

(7) A person who fails to comply with an order under subsection 3(a) shall be guilty of an offence and liable on conviction to a fine not exceeding level 2 on the uniform scale.”.

(2) In section 7 of the principal Law immediately before the definition of “child” insert—

““ Chief Officer of Police” means the Chief Officer of the salaried police force of the Island of Guernsey or his Deputy and, in relation to the Island of Sark, the Constable or the Vingtenier;”.

Repeal.

2. Section 1(a) to (f) of the Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1986(c) is repealed.

Citation and collective title.

3. (1) This Law may be cited as the Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1990.

(2) This Law, the principal Law and the Summary Offences (Amendment) (Bailiwick of Guernsey) Laws, 1984 and 1986 may be cited together as the Summary Offences (Bailiwick of Guernsey) Laws, 1982 to 1990.

(c) Ordres en Conseil No. XXII of 1986.

K. H. TOUGH,
Her Majesty's Greffier.