

Consolidated text

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Destruction of Rats Ordinance, 1991 *

[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 the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.

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* Alderney Ordinance No. XI of 1991; as amended by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994 (Alderney Ordinance No. XV of 1994); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also the Bills of Exchange (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVII, p. 384).

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ARRANGEMENT OF SECTIONS

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(Made on the 20th December, 1991.)

The Destruction of Rats Ordinance, 1991

THE STATES, in pursuance of their Resolution of 20th December, 1991 and in exercise of the powers conferred on them by sections 46 and 47(3) and (4) of, and paragraph (a) of Schedule 2 to, the Government of Alderney Law, 1987^a, hereby order: –

Rat notices.

1. (1) The [Clerk] may serve a notice under this section on any person appearing to [him] to be the occupier of premises where no, nor no adequate, measures are for the time being in effect –

(a) to prevent their invasion by rats, and/or

(b) to destroy rats on them.

(2) A notice under this section must specify –

(a) the premises to which it relates,

(b) the measures which the [Clerk] requires their occupier to take, and

(c) the time (which must not be less than 8 days) within which the [Clerk] requires him to take those measures.

^a Ordre en Conseil No. IV of 1987.

NOTES

In section 1,

the words in the first pair of square brackets in subsection (1), and in the square brackets in paragraph (b) and paragraph (c) of subsection (2), were substituted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(a), with effect from 2nd November, 1994;

the word in the second pair of square brackets in subsection (1) was substituted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(b), with effect from 2nd November, 1994.

Taking of measures by the Committee.

2. (1) If at the expiration of the time specified in a notice served under section 1 it appears to the [Clerk] that the person on whom it was served has failed to take all of the measures required by it [the Clerk shall report the matter to the Committee which] may, subject to subsection (3) of this section, take those measures itself or arrange for them to be taken on its behalf.

(2) The reasonable cost of taking measures, or of arranging for measures to be taken, under this section is recoverable by the Committee as a civil debt due to the States from the person on whom the notice under section 1 was served.

(3) The powers conferred by this section are not exercisable whilst an appeal under section 5 is pending before the Court.

NOTE

In section 2, the words in the first and second pairs of square brackets in subsection (1) were substituted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(c), with effect from 2nd November, 1994.

Powers of entry.

3. (1) Any officer of the States who is authorised in that behalf by the Committee may, upon production if so required of his authority, enter any premises, during daylight hours on any day other than a Sunday or a bank holiday, for the purpose of –

- (a) ascertaining whether rats exist on them, or
- (b) ascertaining whether all measures required by a notice served under section 1 have been taken, or
- (c) taking any such measures in accordance with section 2.

(2) This section is subject, in the case of any private dwelling, to section 47(5) of the Government of Alderney Law, 1987.

NOTES

In accordance with the provisions of the Bills of Exchange (Guernsey) Law, 1958, section 1B, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law, with effect from 27 July, 1993.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Liability of States etc.

4. No liability shall be incurred by the States, [by the Clerk,] by the Committee, or by any officer or agent of the Committee in respect of anything done

in good faith in the exercise or purported exercise of any power conferred by this Ordinance.

NOTE

In section 4, the words in square brackets were inserted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(d), with effect from 2nd November, 1994.

Appeals.

5. (1) Any person on whom a notice is served under section 1 may appeal under this section to the Court on the ground that –

- (a) he is not the occupier of the premises specified in the notice, or
- (b) the measures specified in the notice are not necessary to prevent their invasion by rats or to secure the destruction of rats on them, or
- (c) the time specified in the notice is insufficient to enable him to take those measures.

(2) An appeal under this section must be instituted within 7 days of the service of the notice under section 1 by a summons served on the [Clerk].

(3) On an appeal under this section the Court may –

- (a) uphold the notice in its entirety, or

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- (b) uphold the notice subject to the deletion of some of its requirements, or the substitution of different requirements (which may be either less onerous or more onerous than those originally specified in it), or
- (c) set aside the notice.

(4) The determination of the Court on an appeal under this section is final.

(5) If the Court does not set aside the notice then it is deemed to have been served (with any deletions or substitutions subject to which the Court upholds it) on the date of the Court's determination.

NOTE

In section 5, the word in square brackets in subsection (2) was substituted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(e), with effect from 2nd November, 1994.

Service of notices.

- 6.** (1) A notice under section 1 is validly served –
- (a) on an individual by delivering it to him personally or by posting it addressed to him at his usual place of residence,
 - (b) on a body corporate by leaving it at, or posting it to, its registered office,

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- (c) on an unincorporated body, by leaving it at or posting it to its principal place of business.

(2) In the case of a minor or a person under guardianship "**him**", in paragraph (1)(a) of this section means "his parent or guardian, or one of them, as the case may be" and "**his**" is to be construed accordingly.

(3) If, after making reasonable inquiry, the [Clerk] is unable to ascertain who is the occupier of any premises, or is of the opinion that the premises are unoccupied [he may] serve a notice under section 1 by placing it, in as conspicuous a manner as is reasonable in all the circumstances, on those premises.

NOTE

In section 6, the words in square brackets in subsection (3) were substituted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(f), with effect from 2nd November, 1994.

Offences.

7. (1) An occupier of premises who fails to take all reasonable measures –

- (a) to prevent their invasion by rats, and
- (b) to destroy rats on them

is guilty of an offence and liable, on conviction, to a fine not exceeding level 1 on the Alderney uniform scale.

(2) A person who –

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- (a) obstructs any officer of the States who has entered, is entering, or is claiming to enter, any premises in accordance with section 3, or
- (b) impedes, or fails without reasonable excuse to cooperate with, any such officer so acting or any person reasonably required by any such officer to accompany him for any of the purposes referred to in subsection (1) of that section

is guilty of an offence and liable, on conviction, to a fine not exceeding level 2 on the Alderney uniform scale or, in the case of a second or subsequent conviction, to a fine not exceeding level 3 on the Alderney uniform scale.

(3) The institution of proceedings for an offence under this section does not prejudice the exercise or continued exercise by the [Clerk or] Committee of [the] powers under section 1, 2 or 3.

NOTE

In section 7, the words in square brackets in subsection (3) were substituted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(g), with effect from 2nd November, 1994.

Interpretation.

8. (1) In this Ordinance –

["**the Clerk**"] means the Clerk of the States of Alderney appointed under section 52(1) of the Government of Alderney Law, 1987,]

"**the Committee**" means the [General Services] Committee,

"**the Court**" means the Court of Alderney,

"**occupier**", in relation to any premises, includes any person who is entitled to occupy those premises,

"**premises**" includes open land as well as buildings,

"**the States**" means the States of Alderney.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Ordinance as it applies to the interpretation of an enactment in force in Guernsey.

NOTES

In section 8,

the definition of the expression "the Clerk" in subsection (1) was inserted by the Destruction of Rats (Amendment) (Alderney) Ordinance, 1994, section 1(h), with effect from 2nd November, 1994;

the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 27, with effect from 2nd April, 1997.

The functions of the Agriculture and Fisheries Committee under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 27, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997

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

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Ordinance.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Citation.

9. This Ordinance may be cited as the Destruction of Rats Ordinance, 1991.

NOTE

The Ordinance was made and came into operation on 20th December, 1991.
