

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

Ordonnance dite

"The Stray Dogs Ordinance, 1941" *

[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 Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome IX, p. 144; as amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 558); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Stray Dogs (Amendment) Ordinance, 1952 (Recueil d'Ordonnances Tome X, p. 315); the Stray Dogs (Amendment) Ordinance, 1979 (Recueil d'Ordonnances Tome XXI, p. 286); the Stray Dogs (Amendment) Ordinance, 1984 (Recueil d'Ordonnances Tome XXIII, p. 81); the Stray Dogs (Amendment) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 505); the Stray Dogs (Amendment) Ordinance, 1990 (Recueil d'Ordonnances Tome XXV, p. 144); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406). This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288). This Ordinance has been repealed by the Animal Welfare (Guernsey) Ordinance, 2012 (No. III of 2012).

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ARRANGEMENT OF SECTIONS

1.
 - (1) Stray dogs may be seized and detained by the Police.
 - (1A) Recovery of prescribed fee for detention of dogs.
 - (2) Prescribed fees for detention of dogs.
 - (2A) Cost of veterinary treatment.
 - (2B) Prescribed fee for destruction of dogs.
 - (3) Dogs wearing collars with names of owners inscribed thereon, etc.
 - (4) Service of notices.
 - (5) Dogs not claimed within seven days.
 - (6) Injured dogs.
 - (7) Vivisection.
 - (8) Register of dogs seized.
 - (9) Register of stray dogs.
 - (10) Maintenance of detained dogs.
 - (11) Expenses incurred.
2.
 - (1) Duties of finders of stray dogs.
 - (2) Finder who desires to become owner of a stray dog.
 - (3) Finder not complying with above.

(Made on 29th March, 1941.)

Ordonnance dite

"The Stray Dogs Ordinance, 1941"

LA COUR, sur les représentations du Comité des États dit "Island Police Committee" et ouïes les conclusions du Contrôle du Roi, a ordonné et ordonne: –

Stray dogs may be seized and detained by the Police.

1. (1) Where a police officer has reason to believe that any dog in a highway or place of public resort is a stray dog, he may seize the dog and may transfer it to an establishment for the reception of stray dogs and the dog may be detained until the owner has claimed it and has paid the prescribed fee in respect of detention[:

Provided that subject to the provisions of the next succeeding subsection a dog detained under this subsection may be released to its owner without compliance with the requirement as to the pre-payment of the prescribed fee if a police officer not below the rank of Inspector is satisfied that there are special circumstances to justify the immediate release of the dog before payment of the prescribed fee.]

[Recovery of prescribed fee for detention of dogs.

(1A) In any case where an owner of a dog shall have regained possession thereof after detention but before payment of the prescribed fee the appropriate fee may be recovered from the owner by the States as a civil debt.]

[Prescribed fee for detention of dogs.

(2) The prescribed fee payable to the [States Home Department] respect of the detention of a dog under the provisions of subsection (1) of this shall be as follows –

- (a) where the dog is claimed on the day of seizure and before transfer to an establishment for the reception of stray dogs, the sum of [£5.00],
- (b) where the dog is claimed after transfer to such an establishment, the sum of [£8.00] for transportation the sum of [£6.00] for each day or part of a day which it shall have been detained.]

[Cost of veterinary treatment.]

(2A) Where a dog which is detained under the provisions of subsection (1) of this section requires veterinary treatment, the reasonable cost of such treatment shall be payable by the owner of the dog to the [States Home Department] and such cost may be recovered from the owner by the States as a civil debt.

Prescribed fee for destruction of dogs.

(2B) The prescribed fee payable to the [States Home Department] respect of the destruction of a dog under the provisions of subsections (5) or (6) of this section shall be [£12.00].]

Dogs wearing collars with names of owners inscribed thereon, etc.

(3) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the Police Inspector shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized will be liable to be sold or destroyed if not claimed within [four] clear days after the service of the notice.

Service of notices.

- (4) A notice under this section may be served either –

- (a) by delivering it to the person on whom it is to be served, or
- (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar, or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

Dogs not claimed within seven days.

(5) Where any dog so seized has been detained for [four] clear days after the seizure, or, in the case of such a notice as aforesaid having been with respect to the dog, then for [four] clear days after the service of the notice, and the owner has not claimed the dog and paid the prescribed fee in respect of its detention, the person in charge of the establishment for the reception of stray dogs which the dog is detained may cause the dog to be sold or to be destroyed in a to cause as little pain as possible [and in such case the prescribed fee in respect of detention until the day of its destruction and in respect of its destruction may be recovered from the owner by the States as a civil debt].

Injured dogs.

(6) Where any such dog as is mentioned in subsection (1) of this section is so badly injured that it is proper that it should be destroyed immediately, then, notwithstanding any other of the provisions of this Ordinance, it shall be the duty of a police officer or of the person in charge of the establishment for the reception of stray dogs in which the dog is, on becoming aware of such injury to cause the dog to be promptly destroyed in a manner to cause as little pain as [and in such case the prescribed fee in respect of its detention until the day of its destruction and in respect of its destruction may be recovered from the owner of the

dog by the States as a civil debt].

Vivisection.

(7) No dog seized under the provisions of this section shall be given or sold for the purposes of vivisection.

Register of dogs seized.

(8) The Police Inspector shall cause to be kept a register of all dogs seized under this section. The register shall contain a brief description of the dog, the date of seizure and particulars as to the manner in which the dog is of by the police, and such register shall be open to inspection at all reasonable times by any member of the public on payment of a fee not exceeding [3 new pence].

Register of stray dogs.

(9) There shall be kept at every establishment for the reception of stray dogs a register containing a brief description of the dog, the date of its and particulars of the manner in which it is disposed of by the establishment and register shall at any reasonable time be open to inspection by a police officer payment of any fee and by any other person on payment of a fee not exceeding [3 new pence].

Maintenance of detained dogs.

(10) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.

Expenses incurred.

(11) All expenses incurred by the police under this section shall be defrayed out of Island Police funds and any money received by the police under this section shall be paid to the account of those funds.

NOTES

In section 1,

the punctuation at the end of and the proviso to subsection (1) respectively, substituted and inserted by the Stray Dogs (Amendment) Ordinance, 1979, section 1(a), with effect from 25th July, 1979;

subsection (1A) was inserted by the Stray Dogs (Amendment) Ordinance, 1979, section 1(a), with effect from 25th July, 1979;

subsection (2) was substituted by the Stray Dogs (Amendment) Ordinance, 1979, section 1(b), with effect from 25th July, 1979;

the figures and symbol in paragraph (a) of subsection (2) were substituted by the Stray Dogs (Amendment) Ordinance, 1990, section 1(a), with effect from 28th June, 1990, and shall not apply in relation to dogs seized prior to that date;¹

the figures and symbols in paragraph (b) of subsection (2) were substituted by the Stray Dogs (Amendment) Ordinance, 1990, section 1(b), with effect from 28th June, 1990, and shall not apply in relation to dogs seized prior to that date;²

subsection (2A) and subsection (2B) were inserted by the Stray (Amendment) Ordinance, 1979, section 1(b), with effect from 25th July, 1979;

the figures and symbol in square brackets in subsection (2B) were substituted by the Stray Dogs (Amendment) Ordinance, 1988, section 1(c), with effect from 1st January, 1989;³

the words in, first, the square brackets in subsection (3) and, the first and second pairs of square brackets in subsection (5) were substituted by the Stray Dogs (Amendment) Ordinance, 1952, respectively section 1(a) and section 1(b), with effect from 10th December, 1952;

the words in the third pair of square brackets in subsection (5) were inserted by the Stray Dogs (Amendment) Ordinance, 1979, section 1(c), effect from 25th July, 1979;

the words in square brackets in subsection (6) were substituted by the Stray Dogs (Amendment) Ordinance, 1979, section 1(d), with effect 25th July, 1979;

the figures and letters in square brackets in subsection (8) and subsection (9) were substituted by the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971.

The Ordinance is applied to the Island of Herm by the Herm Laws

Ordinance, Article 1, Schedule, Part III, with effect from 13th March,

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.

In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à Police Salariée pour l'Île entière, 1920, the States Committees Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of States Committee for Home Affairs and of its President arising under or by virtue of this Ordinance were subsequently transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

Duties of finders of stray dogs.

2. (1) Any person (in this section referred to as "**the finder**") who takes possession of a stray dog shall forthwith either –

- (a) return the dog to its owner, or
- (b) inform a police officer of the finding and if so required allow the police to take possession of the dog.

Finder who desires to become owner of a stray dog.

(2) If the finder of a dog whose owner is unknown is desirous of becoming the new owner thereof the Police Inspector may allow him to keep it but without prejudice to the right on the part of the owner who has lost it to reclaim it. A finder who is allowed to keep possession of a dog which he has found shall thereupon be responsible for its care and for payment of the relative tax.

He shall be given by the Police Inspector a certificate in writing briefly narrating the facts in such form as the Police Inspector may

and the particulars on each such certificate shall be recorded in a register to be kept at the Police Station.

Finder not complying with above.

(3) If the finder fails to comply with any of the provisions of this section, he shall be liable on conviction to a fine not exceeding [level 1 on the uniform scale].

NOTES

In section 2, the words and figure in square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, section 2(2), with effect from 1st July, 1989.⁴

The Ordinance was made and came into operation on 29th March, 1941.

¹ Subsection (2)(a) was previously amended by the Stray Dogs (Amendment) Ordinance, 1984, section 1(a), with effect from 1st December, 1984; the Stray Dogs (Amendment) Ordinance, 1988, section 1(a), with effect from 1st January, 1989.

Subsection (2)(b) was previously amended by the Stray Dogs (Amendment) Ordinance, 1984, section 1(b), with effect from 1st December, 1984; the Stray Dogs (Amendment) Ordinance, 1988, section 1(b), with effect from 1st January, 1989.

These figures and symbol were previously substituted by the Stray Dogs (Amendment) Ordinance, 1984, section 1(c), with effect from 1st December, 1984.

⁴ Subsection (3) was previously amended by the Stray Dogs (Amendment) Ordinance, 1979, section 1(e), with effect from 25th July, 1979.