

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

Ordonnance relative à la Destruction de Rats, 1937 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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. 24; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Public Health and Related Offences (Increase of Fines) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 427); the Parochial Administration Ordinance, 2013 (No. XL of 2013). 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); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Resolution of the States of Guernsey of 14th October, 1945 (Billet XIII, proposition No. 13).

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Ordonnance relative à la Destruction de Rats, 1937

ARRANGEMENT OF ARTICLES

1. Definitions.
2. An offence not to take reasonable measures for destruction or prevention of invasion by rats.
3. Competent rat authority may require occupiers of premises to take reasonable measures. Failure to comply with notice. Powers of competent rat authority. Refusal to allow entry upon premises or obstruction.
4. Notices to masters of ships. Offences.
5. Service of notices.
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SCHEDULE Notice.

(Made on 20th March, 1937.)

Ordonnance relative à la Destruction de Rats, 1937

LA COUR, vu les Délibérations des États au sujet de la destruction de Rats en date du 2 décembre 1936, et ouïes les conclusions des Officiers du Roi, a rappelé l'Ordonnance relative à la Destruction des Rats et des Souris passée le 22 octobre 1921, et rendue permanente aux Chefs Plaids d'après Noël 1931, tenus le 18 janvier 1932 et, par voie des dispositions suivantes rédigées en anglais, a ordonné et ordonne: –

Definitions.

I. In this Ordinance –

the expression "**competent rat authority**" shall include [...] the Committee or Board for the time being authorised by the States to act in relation to the Destruction of Rats throughout the Island of Guernsey and, in relation to the Harbours of Saint Peter Port and Saint Sampson's, the Harbour Master,

in relation to premises which are unoccupied the expression "**occupier**" shall include the tenant or other person entitled to occupy the same and the "usufruitier", proprietor, "saisi mobilièrement", "saisi héréditalement" or other person, persons, board or committee having the control of those premises,

in relation to "douits" under the control of a Committee, the expression "**occupier**" shall mean that Committee,

the expression "**premises**" shall apply to every ship and the master of a ship shall be deemed to be the occupier thereof.

NOTES

In Article 1, the words omitted in square brackets in the definition of the expression "competent rat authority" were repealed by the Parochial Administration Ordinance, 2013, section 3, with effect from 1st September,

2015.

The Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part III, with effect from 13th March, 1948.

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 14th October, 1945, concerning Billet d'État No. XIII, dated 17th October, 1945, the States directed that the duties being performed by, inter alia, the Committee for the Destruction of Rats (included within the definition of the expression "competent rat authority") should be embraced by the reconstituted Board of Health. The functions, rights and liabilities of the Board of Health and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Health and Social Services Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; and the functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were subsequently transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

An offence not to take reasonable measures for destruction or prevention of invasion by rats.

II. Every occupier of premises who shall fail to take all reasonable measures –

- (a) for the destruction of the rats on those premises, or
- (b) for preventing the invasion of those premises by rats,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding [level 1 on the uniform scale].

NOTE

In Article 2, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹

Competent rat authority may require occupiers of premises to take reasonable measures. Failure to comply with notice. Powers of competent rat authority. Refusal to allow entry upon premises or obstruction.

III. (1) In every case in which, in the opinion of the competent rat authority, an occupier of premises has failed to take reasonable measures for the destruction of the rats on those premises or for the prevention of the invasion thereof by rats, the competent rat authority may, by notice in writing addressed to such occupier in the form set out in the Schedule to this Ordinance, require such occupier, within the period specified in such notice, to take such measures in relation thereto as are prescribed in such notice.

(2) If any occupier of premises upon whom any such notice as is mentioned in the preceding paragraph of this Article has been served fails within the period therein specified to take all such measures as were therein prescribed, he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding [level 2 on the uniform scale] and it shall be lawful for the competent rat authority, whether before or after the prosecution of any such occupier, to direct that the measures prescribed in such notice or such thereof as have not been taken by such occupier shall be carried out under the control of the competent rat authority at the cost of such occupier, and thereupon the reasonable cost of all such measures as are so carried out shall be recoverable by the competent rat authority from such occupier as a civil debt due to the States.

(3) The competent rat authority and any person or persons authorised in that behalf by the competent rat authority are hereby empowered –

- (a) with or without previous notice, to enter upon any premises for the purpose of ascertaining whether rats exist thereon,
- (b) after the expiration of the period specified in any notice served under this Ordinance upon an occupier of premises requiring measures to be taken in relation to rats, to enter upon those premises for the purpose of

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ascertaining whether the measures prescribed in that notice have been taken by such occupier,

- (c) on such day or days as shall be specified in a notice in writing served on the occupier of any premises not later than on the day preceding the day or the earliest of the days so specified, to enter upon any premises for the purpose of carrying out such measures as the competent rat authority is empowered to carry out under the provisions of this Ordinance.

Provided that:

- (a) such entry shall not be made on any Sunday or general holiday,
- (b) such entry shall only be made during the hours of daylight upon premises not in human habitation,
- (c) such entry shall only be made between nine o'clock in the morning and six o'clock in the evening upon premises in human habitation,
- (d) every person authorised to enter upon premises for the purposes of this Ordinance and not being a person included in the expression "competent rat authority" shall, upon demanding entry upon premises, produce, if required so to do, some written authority from the competent rat authority showing that he is authorised to enter and perform the duties for which such entry is demanded.

(4) Any person who refuses or fails to admit any person who is authorised and claims to enter upon premises under the last preceding paragraph of this Article and has satisfied the requirements of Proviso (d) to that paragraph, in the case to which it applies, or who otherwise obstructs any such authorised person

in the execution of his duties under this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding [level 2 on the uniform scale] and in the case of a second or subsequent offence to a fine not exceeding [level 3 on the uniform scale].

NOTE

In Article 3, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.²

Notices to masters of ships. Offences.

IV. (1) The competent rat authority is hereby empowered by notice in writing, in the form set out in the Schedule to this Ordinance, to require the master of any ship to take such reasonable measures as are prescribed in such notice to prevent the escape from that ship of the rats on board thereof.

(2) If the master of any ship upon whom any such notice as is mentioned in the preceding paragraph of this Article has been served fails to take all such measures as were therein prescribed he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding [level 2 on the uniform scale] and it shall be lawful for the competent rat authority, whether before or after the prosecution of the master, to direct that the measures prescribed in such notice or such thereof as have not been taken by such master shall be carried out under the control of the competent rat authority at the cost of such master and thereupon the reasonable cost of all such measures as are so carried out shall be recoverable by the competent rat authority from such master as a civil debt due to the States.

NOTE

In Article 4, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.³

Service of notices.

V. (1) Any notice served under the provisions of this Ordinance shall be validly served if delivered to the addressee personally or if sent to such addressee

by registered post.

(2) Any such notice sent by registered post shall be deemed to have been received by the addressee unless the contrary is shown by the latter, on the weekday next following the date of the posting thereof.

Appeals.

VI. (1) Subject to the provisions of this Article, any person aggrieved by the requirements of a notice (other than a notice served under the provisions of Article IV of this Ordinance) served upon him by the competent rat authority shall be entitled to appeal therefrom to the Royal Court sitting as an Ordinary Court.

(2) Such appeal shall be by way of legal proceedings to set aside the notice or the requirements thereof which are complained of. The summons in such proceedings shall be served on the competent rat authority by whom the notice was issued within the three days next following the day on which such notice was received by the appellant and the cause shall be tabled at the first ordinary session of the Court occurring not earlier than the day following the date of the service of such summons.

(3) Every such appeal shall be dealt with summarily and no appeal shall lie against the decision of the Court.

Provided that the provisions of this paragraph shall not affect the power of the Court to adjourn the hearing in any such appeal in any case in which it shall appear to the Court proper or expedient so to do.

(4) In any such appeal, the Court may set aside the notice appealed from or one or more of the requirements thereof and may modify any of such requirements either by reducing or increasing the extent thereof.

Application of fines.

VII. The fines payable under this Ordinance shall be apportioned between His Majesty and the States in equal half shares.

NOTES

The Ordinance was made and came into operation on 20th March, 1937.

SCHEDULE

NOTICE

issued under the provisions of the "Ordonnance relative
à la Destruction de Rats, 1937".

(Date)

To

.....

.....

Occupier of the (premises known as*)
(ship*)

(situate*)

(lying*) at

You are hereby required by the Competent Rat Authority within the days
following the receipt by you of this notice to take the following measures for

* (a) destroying the rats on the said (premises*),
(ship*)

* (b) preventing rats from invading the said (premises*)
(ship*),

* (c) preventing rats from escaping from the said ship,

that is to say,

In the event of failure to comply with the requirements of this notice, you
will be liable to legal proceedings and to a fine not exceeding [level 2 on the
uniform scale].

You are entitled to appeal to the Ordinary Court against the requirements of this Notice. Legal proceedings in such appeal must be commenced within the three days next following the date of the receipt by you of this Notice.*

-
- * Constable of
 - * President, States Committee for the Destruction of Rats.
 - * Harbour Master.

* *Strike out the words which are inapplicable.*

NOTE

In the Schedule, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.⁴

¹ These words and figure were previously substituted by the Public Health and Related Offences (Increase of Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

² These words and figures were previously substituted by the Public Health and Related Offences (Increase of Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

³ These words and figure were previously substituted by the Public Health and Related Offences (Increase of Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

⁴ These words and figure were previously substituted by the Public Health and Related Offences (Increase of Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.