

STATES OF JERSEY



CATS: ADDITIONAL PROTECTION WHEN INVOLVED IN ROAD TRAFFIC ACCIDENTS (P.30/2019) – COMMENTS OF THE MINISTERS FOR INFRASTRUCTURE AND THE ENVIRONMENT

**Presented to the States on 26th April 2019
by the Minister for Infrastructure**

STATES GREFFE

COMMENTS

Summary of Proposition

THE STATES are asked to decide whether they are of opinion –

to request the Ministers for Infrastructure and the Environment to consult on how cats could be given additional protection under either the Road Traffic (Jersey) Law 1956, Highway Code or Animal Welfare (Jersey) Law 2004, *in order to ensure that drivers involved in accidents in which cats are injured are required to contact the police.*

[Emphasis added]

Ministerial response from the Minister for Infrastructure in accord with the Minister for the Environment

The Minister for Infrastructure and the Minister for the Environment are in accord that comprehensive consultation has already been held to this effect, following the previous Petition from 2015.

As a result of this, the Highway Code (which has legal status and can be relied upon in Court) has been updated to reduce the suffering of cats who are the victims of road traffic collisions (“RTCs”), by requiring drivers to contact a veterinary service. The Code now stipulates that, if there is an incident or accident involving a cat, the JSPCA should be contacted as soon as possible, and they will dispatch a pet ambulance to the scene of the accident. The JSPCA provides a 24-hour ambulance service and responds to every call, and the recommended procedure and JSPCA’s contact details have been promoted.

Other options for addressing the issues raised in the 2015 and 2018 Petitions have been considered, with comment from the States of Jersey Police, States Vet and the JSPCA. However, it has been concluded that changing the [Road Traffic \(Jersey\) Law 1956](#) (“the 1956 Law”) to include cats in the definition would be a heavy-handed approach, which would place a severe burden both upon the paid and Honorary Police by way of resources and time.

Making accidents with cats reportable under the 1956 Law, which requires the Police to attend every incident, would place a strain on resources, and would not improve animal welfare beyond the current provisions.

It is also considered that all domestic animals, including cats, are sufficiently protected from cruelty under the [Animal Welfare \(Jersey\) Law 2004](#). It is a criminal offence, with stringent penalties (up to 12 months’ imprisonment and/or a fine of up to £10,000), to cause unnecessary suffering to an animal without reasonable cause or excuse.

The reason why cats are not included in the 1956 Law (in common with the UK equivalent legislation), is that the owners of horses, cattle, asses, mules, sheep, pigs, goats and dogs have a ‘duty of care’ to keep these animals ‘under control’. These large animals are not permitted to wander the highway out of their owner’s control, as they would present a danger to other road-users. Thus, there is a question of liability if an

accident occurs, which is why there is a requirement for the driver to report the accident and the Police to attend to make a report, so that liability can be settled. In addition to this, the Police have a duty to make arrangements to bring the animal under control.

For this purpose, there is the [Dogs \(Jersey\) Law 1961](#), which requires all dogs to be licensed and kept under control by their owner. Where the Law is not complied with, the Police must bring the dog under control and then bill the owner for the resultant costs. The owner of a dog is liable for the dog's actions: if an owner allowed a dog to run into traffic and cause an accident, that owner could be prosecuted under criminal law, and have action taken against them in a civil court.

That no such licensing law exists for cats is because the law recognises the free-spirited nature of cats, and does not require them to be kept under control, or place a duty of care and liability upon the owner. Under existing law, cats have a right to roam, and in most circumstances, it is unlikely that someone could make a claim against a neighbour who did not keep their cat under control and damaged their property.

If ownership of cats is not to be licensed, if there is no duty to keep a cat under control or subject to a curfew, and if cats are not systematically to be tagged to show ownership, it is difficult to understand what reporting to the Police would achieve in law. The Police's current involvement with respect to accidents involving injury to horses, cattle, asses, mules, sheep, pigs, goats and dogs stems from the legal position of such animals being tagged and needing to be kept under control as a matter of law, and the need to establish liability for failure to keep the animal under control.

The Police do not have a welfare role, other than arranging for the feeding and accommodation of the animal until control can be returned to the owner. Given that for a domestic animal this would normally be done through the JSPCA or a vet, it is difficult to ascertain the benefit of involving the Police for cats.

Of course, these are reactive measures following an RTC when the cat has been injured. What are really required are preventative measures to try and reduce the likelihood of cats being harmed by traffic. While, if a cat has outdoor access, it is not possible to completely remove the risk of an RTC, 'Cat Care International' provide advice on how cats can be kept safe. More widely publicising this road safety information for cats would provide a better safety benefit for them than changing the law, saving cat-owners much anguish.

In conclusion, for the reasons set out above, the Ministers are not supportive of adding provision for cats to the 1956 Law, due to the administrative burden it would place on the Police and parishes. Additionally, for such provision to be able to operate properly, it would be likely that some form of cat licensing law may be required, which may not be welcome to owners.

Ministerial recommendation

The Minister for Infrastructure, in accord with the Minister for the Environment, recommends that States Members reject this proposition.

Financial and manpower implications

Initially, Growth, Housing and Environment resources would be required to repeat the 2015 consultation exercise. However, to implement the ambition of [P.30/2019](#) “... *in order to ensure that drivers involved in accidents in which cats are injured are required to contact the police.*”, the real resources that would be consumed would be the Police resources required in order to attend a reportable RTC and contact the cat-owner, and the parish resources required to operate a new cat licensing system, as well as the cost to the Public to pay the licensing fee and have their cat identified in some way.