

STATES OF JERSEY

r

DRAFT DOGS (AMENDMENT No. 3) (JERSEY) LAW 200-

**Lodged au Greffe on 12th December 2005
by the Comité des Connétables**

STATES GREFFE



Jersey

DRAFT DOGS (AMENDMENT No. 3)(JERSEY) LAW 200-

European Convention on Human Rights

The Chairman of the Comité des Connétables has made the following statement –

In the view of the Chairman of the Comité des Connétables the provisions of the Draft Dogs (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Connétable J.B. Germain of St. Martin**

REPORT

The fines under the Dogs (Jersey) Law 200- have not increased since the Law was introduced in 1961 and this draft Law increases all the fines to an appropriate level on the standard scale of fines. In setting the level of fines the advice of the Law Officers has been followed and, in particular, the fine for an offence under Article 8 has been increased from £5 to level 2 on the standard scale in view of factors such as the financial value of, for example, a pedigree dog and that breach of this provision may involve dishonest intent and could be akin to stealing by finding.

The Connétables have taken the opportunity to make some other minor changes to the law. These relate to deleting the charge of 5p for inspecting a register of stray dogs, providing for income and expenditure to be credited/debited to the General Account of the Parish instead of the Roads Account and to amending the licensing provision in respect of a dog.

The law currently provides that a person must have a licence to cover the number of dogs kept. The parishes have for some time required an owner to provide brief details, such as breed, sex, name, colour etc., of the dog(s) for which a licence is purchased. This assists the parish when seeking to trace the owner of a dog for example if a dog is seen worrying livestock or is lost or strays. As the current law is not “dog-specific” it is possible for an owner to replace one dog with another of a different breed during the year without the Parish being aware of this change. This has caused problems for parishes in the past when seeking to trace the owner of a specific breed of dog and should be avoided by this minor change making a licence “dog-specific”.

There are no financial or manpower implications for the States arising from this amendment.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the person in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 7th December 2005 the Chairman of the Comité des Connétables made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Chairman of the Comité des Connétables the provisions of the Draft Dogs (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

Article 1 states that the Dogs (Jersey) Law 1961 is referred to in this law as the ‘principal Law’.

Article 2 amends Article 4 of the principal Law so that the register of licensed dogs will specify the particular features of the dogs licensed. It also amends that Article so that the sums received for licences shall be credited to the General Account of the parish in which they are received.

Article 3 removes words from Article 4 which made it an offence to keep more dogs than the number authorized to be kept under the licence. Now that licences are to be “dog-specific”, rather than simply setting a number of dogs that are licensed under them, the words need to be removed.

Article 4 removes the ability for parishes to charge a fee to view a register of dogs. It also ensures that the costs of prosecuting, and the moneys received from prosecutions of, offences against the law shall be debited or credited to the General Account of the parish in which they are incurred or received, rather than the Roads Account of that parish.

Article 5 increases the penalties for offences under the principal Law. The penalties have remained unchanged since the principal Law was enacted.

The penalty for the offence of keeping a dog without a licence is increased from £5 to level 1 on the standard scale per dog.

The penalty for the offence of allowing a dog to be on a road or other public place without a collar bearing the owner’s name and address is increased from £5 to level 1 on the standard scale.

The penalty for the offence by a person who takes possession of a stray dog of failing to return it to its owner or failing to notify the police is increased from £5 to level 2 on the standard scale.

The penalty for the offence of allowing a dog to worry livestock is increased from £50 to level 2 on the standard scale.

The penalty for the offence of failing to comply with an order of the magistrate for the proper control or the destruction of a dog is altered from a rate of £2 for each day that the failure to comply continues to a single penalty of level 2 on the standard scale.

Level 1 on the standard scale is £50.

Level 2 on the standard scale is £500.

Article 6 is the citation clause. The amendment shall come into force 7 days after this amending Law is registered in the Royal Court.



Jersey

DRAFT DOGS (AMENDMENT No. 3)(JERSEY) LAW 200-

Arrangement

Article

<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Article 4 amended</u>
<u>3</u>	<u>Article 5 amended</u>
<u>4</u>	<u>Article 10 amended</u>
<u>5</u>	<u>Article 13 substituted</u>
<u>6</u>	<u>Citation and commencement</u>



Jersey

DOGS (AMENDMENT No. 3) (JERSEY) LAW 200-

A LAW to further amend the Dogs (Jersey) Law 1961.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “principal Law” means the Dogs (Jersey) Law 1961.^[1]

2 Article 4 amended

In Article 4 of the principal Law for paragraphs (3) and (4) there shall be substituted the following paragraphs –

- “(3) The Connétable of each parish shall keep a register of all licences issued in the parish under this Part.
- (4) The register shall specify –
 - (a) the name and address of the person to whom any such licence is issued;
 - (b) the name of each dog in respect of which the licence is issued and the identifying features of the dog, which may include (but are not limited to including) –
 - (i) the breed of the dog,
 - (ii) the sex of the dog,
 - (iii) the year of birth of the dog,
 - (iv) the colour of the dog, and
 - (v) whether there is attached to the dog a unique identifying microchip or any other feature that may assist in the accurate identification of the dog.
- (5) The sums received for licences issued under this Part shall be credited to the General Account of the parish in which they are received.”.

3 Article 5 amended

In Article 5 of the principal Law, in paragraph (1), the words “, or keeps a greater number of dogs than is authorized to be kept by virtue of a licence in force under this Part,” shall be deleted.

4 Article 10 amended

In Article 10 of the principal Law –

- (a) in paragraph (6) the words “on payment of a fee of 5p” shall be deleted;
- (b) in paragraph (7) the words “on payment of a fee not exceeding 5p” shall be deleted;
- (c) in paragraph (9) for the words “Roads Account” there shall be substituted the words “General Account”.

5 Article 13 substituted

For Article 13 of the principal Law there shall be substituted the following Article–

“13 Penalties for offences

- (1) A person guilty of an offence under Article 5 shall be liable to a fine of level 1 on the standard scale for each dog in respect of which the offence has been committed.
- (2) A person guilty of an offence under Article 6 shall be liable to a fine of level 1 on the standard scale.
- (3) A person guilty of an offence under Article 8, 9 or 11(9) shall be liable to a fine of level 2 on the standard scale.”.

6 Citation and commencement

This Law may be cited as the Dogs (Amendment No. 3) (Jersey) Law 200 and shall come into force 7 days after it is registered.

