

STATES OF JERSEY



CATS: ADDITIONAL PROTECTION WHEN INVOLVED IN ROAD TRAFFIC ACCIDENTS (P.30/2019) – COMMENTS

**Presented to the States on 18th April 2019
by the Comité des Connétables**

STATES GREFFE

COMMENTS

The ‘**Financial and manpower implications**’ statement within [P.30/2019](#) comments that “... *if it is decided to amend legislation, then it is likely that there will be a number of resource implications for the Police and Parishes, ...*”. It also says that the direct financial implications of the proposition relate to a proposed consultation process which can be absorbed from departmental budgets.

Whilst the proposition does request the Ministers for Infrastructure and the Environment to consult, it is “... *in order to ensure that drivers involved in accidents in which cats are injured are required to contact the police.*”, rather than to consider whether or not to introduce such a requirement.

Clearly the petitioners’ suggestion is that a road traffic accident (“an RTA”) with a cat should be “reportable”, although it does say “... *the driver must inform the (Honorary) Police only if other notifiable parties can’t be reached; ...*”. The petitioners’ proposed offence is failing to report the RTA, although the aim of seeking a change in the law for cats is “... *to reduce their suffering, by getting them to a vet quickly.*”.

It is not clear from the petition or proposition how a requirement to notify the Police of the RTA will reduce the cat’s suffering and get it to a vet quickly. Cats are already provided for in the [Jersey Highway Code](#)¹ and the [Animal Welfare \(Jersey\) Law 2004](#). The Jersey Highway Code stipulates that, if there is an incident or accident involving a cat, the Jersey Society for the Prevention of Cruelty to Animals (“JSPCA”) should be contacted as soon as possible, and they will dispatch a pet ambulance to the scene.

An RTA involving an “animal”, currently defined as any horse, cattle, ass, mule, sheep, pig, goat or dog, must be notified to a Police Officer under Article 52 of the [Road Traffic \(Jersey\) Law 1956](#) (*Article shown for reference at the end of these Comments*). Failure to notify the accident is an offence, but there is a defence that failure to comply was not with the intent of avoiding any civil or criminal liability arising out of the accident.

But there is also an obligation on the owners of such animals under the following legislation –

[Road Traffic \(Jersey\) Law 1956](#) – the following Articles apply to a horse, cattle, ass, mule, sheep, pig or goat –

- Article 19 (**Rule of the road**)
- Article 22 (**Dangerous driving**)
- Article 25 (**Careless driving**)
- Article 27 (**Driving when under influence of drink or drugs**)
- Article 40 (**Use of footways and cycle tracks**).

Article 6 of the [Dogs \(Jersey\) Law 1961](#) (**Wearing of collars by dogs**) requires every dog, while on a highway or in any other public place, to wear a collar with the owner’s details inscribed on it, or on a plate or badge attached to it.

In 2018 there were 17 reports to the States of Jersey Police of an RTA involving a dog, but only 3 where the driver failed to report the accident. Police resources are required to create and maintain a record of each report. In 14 of these cases there was no offence committed under Article 52, as the driver reported the accident. In the other 3 incidents, which were not reported by the driver, no action could be taken as the driver could not

¹ The [Jersey Highway Code](#) should be read alongside the UK’s “[Official Highway Code](#)”.

be identified – in each case the record remains on file as an open case for a minimum of 6 years.

It is not practical to require an owner to keep a cat under control, as is required for a dog. If the intention is to reduce suffering to a cat injured in an RTA, then making it an offence to fail to report the accident to the Police is unlikely to assist. Cats are already provided for in the Highway Code, which stipulates that, if there is an incident or accident involving a cat, the JSPCA should be contacted as soon as possible.

The Connétables support minimising the suffering of a cat involved in an RTA, but reporting the accident to the Police will not achieve that aim. Further, having consulted with representatives of the Honorary Police, the Comité considers that the proposal is impractical from a policing perspective, and will place unnecessary demands on limited policing resources without achieving the petitioners' aim to '*reduce their suffering*'.

Extract from the Road Traffic (Jersey) Law 1956

“52 Duty of driver of vehicle in case of accident

- (1) Where, owing to the presence of a vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle, animal or property, real or personal, the driver of the vehicle shall stop and –
 - (a) (i) if damage is caused to any unattended vehicle, or to any other property belonging to a person other than a person involved in the accident,
 - (ii) if only one vehicle is involved in the accident and the only damage caused is to that vehicle, or
 - (iii) if injury is caused to any person or animal,shall immediately inform a police officer of the occurrence of the accident and shall not move the vehicle without the consent of a police officer; or
 - (b) in any other case, shall, if required so to do by any person having reasonable grounds for so requiring, give his or her name and address and also the name and address of the owner and the registration mark of the vehicle and inform the person whether, and the extent to which, there is in force in relation to the user of the vehicle a policy of insurance in respect of third party risks:
Provided that any such person may, in the alternative, require the driver of the vehicle to comply with the requirements of sub-paragraph (a), in which case the driver of the vehicle shall comply with those requirements.
- (2) If any person fails to comply with the provisions of this Article, he or she shall be liable to a fine or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment:
Provided that a person shall not be convicted of an offence under this Article if he or she proves to the satisfaction of the court that his or her failure to comply with the provisions thereof was not with the intent of avoiding any civil or criminal liability arising out of the accident.
- (3) In this Article, “animal” means any horse, cattle, ass, mule, sheep, pig, goat or dog.”