

4.10 Deputy S. Power of the Minister for Home Affairs regarding amendments to the Dogs (Jersey) Law 1961:

What action, if any, will the Minister be taking to amend the Dogs (Jersey) Law 1961 to make reference to dogs prescribed in other countries and effect control on dogs imported into Jersey from breeders and particularly rescue kennels in the United Kingdom?

Senator B.I. Le Marquand (The Minister for Home Affairs):

The answer is: none, for the following reasons. The 4 types of dog which are prescribed in the U.K. are already subject to importation control under the Customs and Excise Import and Export Control Order. Dogs coming from Europe have to have pet passports and are examined before travel. Although there is no way of controlling the entry of dogs at the moment from the U.K., other than those which are prescribed in the U.K., I am not satisfied that there is a sufficient reason to introduce legislation to deal with this. Furthermore, even if I were satisfied that it was desirable to introduce legislation, in the light of the backlog of work which is referred in written answer 17, which includes at least 10 pieces of substantial legislation, this would be so far down my priority list that it would fall off it.

4.10.1 Deputy S. Power:

Yes, I am not going to give up. The reason for this question is that it revolves around one dog that was imported into Jersey about a year ago from a rescue kennel in Yorkshire and it attacked 3 dogs on 3 separate occasions in St. Brelade in the month of September. One dog died and the owner incurred vet's bills of £1,300. My question therefore is: does the Minister think it right that the owners of dogs who are attacked, their only recourse is a complaint to the police, a Centenier's report, a Magistrates Court appearance of the owner of the attack dog and ultimately a claim in petty debts court to get financial recourse?

Senator B.I. Le Marquand:

I consider those to be sufficient remedies.

4.10.2 Deputy S. Power:

Is the Minister aware that on Sunday night a 4 year-old boy died in Liverpool as a result of an attack by what appears to be a cross pit-bull terrier? Would the Minister not agree that the J.S.P.C.A. (Jersey Society for Prevention of Cruelty to Animals) could perform a screening role as a local competent animal authority and assess dogs that are being brought into the Island and imported from other rescue kennels?

Senator B.I. Le Marquand:

I regret very much what happened to the boy in Liverpool. But I do not think it is relevant to the dog being referred to in St. Brelade, which, in fact, does not like other dogs and it is not reckoned to be dangerous to people. Yes, it would be possible to have a licensing process by which dogs which were brought in would have to be looked at and vetted and have, I suppose, the equivalent of a pet passport and perhaps would need to have a probation report as well as to their previous good or bad character. But I consider that completely unnecessary as I am only aware of the one case referred to by the Deputy and consider that in general terms the present remedies are sufficient.

4.10.3 Deputy K.C. Lewis of St. Saviour:

This is a timely reminder by Deputy Power. I have also been made aware of several incidents locally where owners cannot or will not control their dogs, leaving them to roam around and attack smaller dogs, leaving the owners and the dogs traumatised. Would the Minister consider updating the 1961 Law?

Senator B.I. Le Marquand:

Well, I will always consider something but frankly this is such a low priority compared with 10 major pieces of legislation which I have to do, that it is going to be impossible for me to deal with this. I previously answered questions on this as to the numbers of attacks reported to the police. They were very low. The fact is dogs will always fight with dogs. It seems to be the nature of the beast. That is regrettable. But if a dog is behaving in a way that is totally unacceptable, there is a provision to go to the Magistrates Court and to get an order either for the destruction of the dog or for the dog being muzzled. Now, that has happened in the case of this particular dog. I am simply not convinced this is worth masses of amount of time being put into what would be a complex piece of legislation when I have lots and lots of really important things to do.

4.10.4 The Deputy of St. John:

Given the Minister claims that this is low priority - although I am sure the many postmen which have been bitten over many years would not agree - would he agree, if he has not got the law drafting time, would he consider, as has happened in the past with the Limited Liability Law, putting this out to private enterprise to amend this Law and bring it back to his department and see if that is not a way forward?

Senator B.I. Le Marquand:

No, I would not. It is not just a matter of law drafting time. I have got to be realistic. I have got a massive programme I am going to try to attempt next year. I am not going to get more than perhaps a third or a half of it. I have got to be realistic and make proper use of my own time in relation to matters and confine myself to the matters which really are important and high priority. I am not going to be deflected from that, I am afraid.

4.10.5 Connétable D.J. Murphy of Grouville:

Is the Minister for Home Affairs aware that there already is a law which covers this situation in that the Dogs (Jersey) Law and the Policing of Beaches Law says that any dog out on public roads or public areas must be under the control of its owner? Now, that can mean, for an obedient dog, that it is within voice distance, that it does come when called; or, if not, on a leash. Otherwise there is a situation there where the Parish can instruct for the dog to be picked up from the road and taken to a place of safety until the owner comes to release it. That, of course, incurs a pretty hefty charge of about £60. So, I think the law already exists. It is a matter of applying the law.

Senator B.I. Le Marquand:

Yes, I was aware of those provisions although I had forgotten the precise details. I am grateful to the Connétable for reminding me. That is my point. We already have a system and until I can see that that system really is not working properly, it is going to remain very low priority.

4.10.6 Deputy M. Tadier:

I think we all admire the way that Deputy Power has doggedly pursued this question. But would the Minister acknowledge that the Deputy is barking up the wrong tree and that we should have a pause for thought and that, in fact, common sense should prevail here rather than any new legislation?

Senator B.I. Le Marquand:

I have no intention whatsoever about saying anything critical of my friend Deputy Power.

4.10.7 Deputy S. Power:

I thank the Minister for his dogged determination to regard it as a low priority. However, my final question is that the charging Centenier in St. Brelade, and, indeed, the J.S.P.C.A., are absolutely of the view that there are dogs on this Island at the moment that will kill. Will the Minister not agree with me that he will have to face this prospect in very short order?

Senator B.I. Le Marquand:

If the Deputy means kill people, I really have absolutely no evidence of that. If anybody had any realistic fear in relation to that, that is most certainly a matter that should be brought to the attention of the Parish authorities. I fear that the Deputy is exaggerating here.

4.10.8 The Deputy of St. Mary:

May I bring a point of fact of clarification to what the Minister has just said? I am glad I came in in time. My granddaughter ... step granddaughter, to be technically precise, is 3. A friend of hers or someone she knew in her nursery has just been killed by a dog.

Senator B.I. Le Marquand:

That may be necessary in Liverpool but it is one of the prescribed variety of dogs. As I said right at the start of my answer, we have effective control of importation on prescribed dogs, dogs which are prescribed in the U.K.

The Deputy Bailiff:

Members will no doubt understand the importance of staying in the Assembly before asking questions which have been asked already.

Deputy S. Power:

Can I just clarify? I did not infer that dogs were going to kill human beings in Jersey. I want to make it clear that there is a view by the J.S.P.C.A. and at least one Centenier in St. Brelade that a dog or dogs in Jersey right now will kill another dog soon.

The Deputy Bailiff:

Thank you for that clarification.