

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Protection of Animals Ordinance, 1976 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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 XX, p. 369; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Protection of Animals (Amendment) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 472); the Protection of Animals (Amendment) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 110).

# ORDINANCE OF THE STATES OF DELIBERATION

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## **The Protection of Animals Ordinance, 1976**

### ARRANGEMENT OF SECTIONS

1. Offences of cruelty.
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*(Made on the 30th June, 1976.)*

## **The Protection of Animals Ordinance, 1976**

**THE STATES**, in pursuance of their Resolution of the twenty-sixth day of May, nineteen hundred and seventy-six, hereby order: –

### **Offences of cruelty.**

1. (1) If any person –
  - (a) shall cruelly beat, kick, ill-treat, under-feed, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal, or shall cause or procure, or being the owner, permit any animal to be so used, or shall, by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal, or
  - (b) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering, or
  - (c) shall wilfully, without reasonable cause or excuse, administer, or cause or procure, or being the owner permit, such administration of, any poisonous or injurious drug or substance to any animal, or shall wilfully, without any reasonable cause or excuse,

cause any such substance to be taken by any animal,  
or

- (d) shall, being the owner or person having charge or control of any animal, without reasonable cause or excuse abandon it, whether permanently or not, in circumstances likely to cause the animal any unnecessary suffering, or cause or procure or, being the owner, permit it to be so abandoned,

he shall be guilty of an offence of cruelty within the meaning of this Ordinance and liable on conviction, to a fine not exceeding [[level 4] on the uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) For the purposes of this section, the owner of an animal shall be deemed to have permitted cruelty within the meaning of this Ordinance if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that, where an owner is convicted of permitting cruelty within the meaning of this Ordinance by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering.

**NOTES**

*In section 1,*

*the words 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;*

*the word and figure in square brackets within the square brackets were substituted by the Protection of Animals (Amendment) Ordinance, 1992, section 1(a), with effect from 30th September, 1992.*

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**[Powers in respect of injured and ill treated animals.]**

**1A.** (1) If an officer of police has reasonable grounds to suspect that –

- (a) an animal is so severely injured or diseased, or is in such physical condition, whether or not as the result of an offence of cruelty within the meaning of this Ordinance, that it would be cruel to keep it alive, or
- (b) an offence of cruelty within the meaning of this Ordinance has been committed in respect of an animal, and the owner is not present,

he may, without prejudice to the powers conferred by section 8 of this Ordinance –

- (i) take charge of the animal,
- (ii) summon the States Veterinary Officer,
- (iii) cause any necessary veterinary treatment to be administered to the animal,

- (iv) cause it to be fed and watered,
- (v) remove it to any place,
- (vi) detain it or place it in the keeping of any person,
- (vii) enter any land for the purpose of exercising the powers conferred by paragraphs (i) to (vi) of this subsection.

(2) If the States Veterinary Officer is satisfied in respect of an animal to which he is summoned under subsection (1)(ii) of this section that it would be cruel to keep the animal alive, he may –

- (a) destroy it,
- (b) remove its carcase for disposal.

(3) When an officer of police removes an animal under subsection (1)(v) of this section, he shall take all reasonable steps to notify the owner of the animal of the place to which it has been removed.

(4) When an animal has been detained or placed in the keeping of any person by an officer of police under subsection (1)(vi) of this section for a period of 7 days, and the owner of the animal has not claimed it, ownership of the animal vests in the States.

(5) Any costs reasonably incurred by virtue of the exercise of any power conferred by subsection (1) or (2) of this section are recoverable by the

States from the owner of the animal in question as a civil debt.

(6) No compensation is payable by the States Veterinary Officer or the States in respect of –

- (a) the destruction of an animal under subsection (2)(a) of this section,
- (b) the vesting of the ownership of an animal in the States under subsection (4) of this section.

(7) No liability is incurred by, and no civil action lies against, any officer of police, the States Veterinary Officer or the States in respect of anything done or omitted to be done in the discharge or purported discharge of any function under this section, unless the thing is done or omitted to be done maliciously or in bad faith.

(8) In this section –

- (a) **"officer of police"** means an officer of police of or above the rank of inspector, and
- (b) **"States Veterinary Officer"** means the States Veterinary Officer or, if he is not available, any authorised veterinary surgeon.]

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## NOTES

*Section 1A was inserted by the Protection of Animals (Amendment) Ordinance, 1986, section 1, with effect from 29th October, 1986.*

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**Power for Court to order destruction of animal.**

2. Where the owner of an animal is convicted of an offence of cruelty within the meaning of this, Ordinance, the Court, upon his conviction thereof, may, if it is satisfied that it would be cruel to keep the animal alive, order that the animal be destroyed at the expense of the convicted person and assign the animal to any suitable person for that purpose; and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal, or cause or procure such animal to be destroyed, in his presence without unnecessary suffering:

Provided that, unless such owner assent, no order shall be made under this section except upon the evidence of an authorised veterinary surgeon.

**Power for Court to deprive person convicted of cruelty of ownership of animal.**

3. Where the owner of an animal is convicted of an offence of cruelty within the meaning of this Ordinance, the Court, upon his conviction thereof, may, if it thinks fit, in addition to or in substitution for any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as the Court thinks fit under the circumstances:

Provided that no order shall be made under this section, unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

**Power for Court to disqualify persons convicted of cruelty to dogs.**

4. (1) Where a person is convicted of an offence of cruelty within the meaning of this Ordinance to a dog, the Court, upon his conviction thereof, may, if it thinks fit, in addition to or in substitution for any other punishment, order him to be disqualified for keeping a dog and for holding or obtaining a dog licence



for such period as the Court thinks fit.

(2) Where a person who is disqualified by virtue of an order made under this section is the holder of a dog licence, the licence shall be suspended so long as the disqualification continues in force and shall, during the time of suspension, be of no effect.

(3) If any person who is disqualified by virtue of an order made under this section keeps a dog or applies for or obtains a dog licence while he is so disqualified, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [[level 3] on the uniform scale] or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) A person in whose custody, charge or possession, or in whose house or premises, a dog shall be found or seen shall, unless the contrary is proved, be deemed for the purposes of this section to be the person who keeps that dog.

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#### NOTES

*In section 4,*

*the words 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;*

*the word and figure in square brackets within the square brackets were substituted by the Protection of Animals (Amendment) Ordinance, 1992, section 1(b), with effect from 30th September, 1992.*

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#### **Power for Court to disqualify persons subsequently convicted of cruelty to animals.**

5. (1) Where a person who has been convicted of an offence of cruelty within the meaning of this Ordinance to any animal is subsequently

convicted of such an offence to any animal, the Court by which he is convicted on the subsequent occasion, may, if it thinks fit, in addition to or in substitution for any other punishment, order him to be disqualified for having custody of any animal or any animal of a kind specified in the Order for such period as the Court thinks fit; and where any such disqualification relates to the custody of a dog the order shall be deemed to include an order made under subsection (1) of the last preceding section and the provisions of subsections (2), (3) and (4) of that section shall apply accordingly.

(2) If any person has custody of any animal in contravention of an order made under this section, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [[level 3] on the uniform scale] or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

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## NOTES

*In section 5,*

*the words 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;*

*the word and figure in square brackets within the square brackets were substituted by the Protection of Animals (Amendment) Ordinance, 1992, section 1(b), with effect from 30th September, 1992.*

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## **Further provisions relating to disqualification.**

6. (1) A Court which has ordered the disqualification of a person in pursuance of the provisions of sections four or five of this Ordinance may, if it thinks fit, suspend the operation of the order –

(a) for such period as the Court thinks necessary for

enabling arrangements to be made for the custody of any animal or animals to which the disqualification relates, or

(b) pending an appeal.

(2) A person who is disqualified by virtue of an order made under sections four or five of this Ordinance may, at any time after the expiration of twelve months from the date of the order, and from time to time, apply to the Court by which the order was made to remove the disqualification, and on any such application the Court may, as it thinks proper, having regard to the character of the applicant and his conduct subsequent to the order, the nature of the offence of which he was convicted, and any other circumstances of the case, either –

(a) (i) in the case of a disqualification under section four of this Ordinance, order that, as from such date as may be specified in the order, the disqualification be removed, or

(ii) in the case of a disqualification under section five of this Ordinance, order that, as from such date as may be specified in the order, the disqualification be removed or the order be so varied as to apply only to animals of a kind specified in the order as varied, or

(b) refuse the application:

Provided that where on an application under this subsection the Court orders the variation of the order or refuses the application, a further application thereunder

shall not be entertained if made within twelve months after the date of the order or, as the case may be, the refusal.

**Appeals.**

7. (1) There shall be no appeal against any order made under section two of this Ordinance or against any order or refusal made under subsection (2) of section six thereof.

(2) An appeal shall lie from any order made under sections three, four or five of this Ordinance in the same manner as against a conviction.

(3) Where there is an appeal by the owner of an animal from an order to which the last preceding subsection applies, the Court may order him not to sell or part with the animal until the appeal is determined or abandoned, and to produce it on the hearing of the appeal if such production is possible without cruelty; and a person who fails to comply with an order under this subsection without satisfactory excuse shall be guilty of an offence and liable, on conviction, to a fine not exceeding [[level 3] on the uniform scale].

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**NOTES**

*In section 7,*

*the words 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;*

*the word and figure in square brackets within the square brackets were substituted by the Protection of Animals (Amendment) Ordinance, 1992, section 1(b), with effect from 30th September, 1992.*

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**Powers of officers of police.**

8. (1) An officer of police may detain any person who has

committed, or whom he has reasonable cause to suspect of having committed, an offence under any of the provisions of this Ordinance.

(2) Where a person having charge of an animal is detained by an officer of police for an offence under this Ordinance, it shall be lawful for that or any other officer of police to take charge of such animal, and to place it in some place of safe custody until the termination of the proceedings or until the Court shall order such animal to be delivered to the person charged or to the owner, and the reasonable costs of the detention of such animal, including the reasonable costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner as a civil debt, or, where the owner himself is convicted, shall be part of the costs of the case.

[(3) Where an officer of police has reasonable cause to suspect that an offence of cruelty within the meaning of this Ordinance has been committed on any land, he may enter the land, taking with him such other persons as he may think fit, and, for the purpose of investigating the suspected offence, he and any person accompanying him may inspect any animal present on the land.

(4) A person who without reasonable excuse, proof whereof shall lie on him, obstructs or hinders an officer of police or other person exercising or purporting to exercise any power conferred by this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 4 on the uniform scale.]

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**NOTE**

*In section 8, subsection (3) and subsection (4) were inserted by the Protection of Animals (Amendment) Ordinance, 1992, section 1(c), with effect from 30th September, 1992.*

**Interpretation.**

9. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"animal"** means any domestic or captive animal,

**"authorised veterinary surgeon"** means a veterinary surgeon authorised to practise as such in this Island according to the law for the time being in force,

**"captive animal"** means any animal (not being a domestic animal) of whatever kind or species, and whether a quadruped or not, including any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement,

**"domestic animal"** means any ass, cat, cattle, dog, goat, horse, mule, poultry, sheep or swine, or any other animal of whatsoever kind or species, and whether a quadruped or not which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man; and the expressions **"cattle"** includes any bull, cow, ox, heifer or calf; and **"poultry"** includes any domestic fowl, turkey, goose, duck, guinea fowl, partridge, pheasant or pigeon,

**"dog licence"** means a licence issued under the Dog Licences

(Guernsey) Law, 1969<sup>a</sup>,

**"this Island"** means any of the Islands of Guernsey, Herm and Jethou,

**"officer of police"** means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey.

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

**Repeal.**

**10.** The Ordinance entitled "Ordonnance pour la Protection des Chevaux et Autres Bêtes" registered on the twenty-first day of April, eighteen hundred and eighty-four<sup>b</sup>, is hereby repealed.

**Extent.**

**11.** This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

**Citation.**

**12.** This Ordinance may be cited as the Protection of Animals Ordinance, 1976.

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<sup>a</sup> Ordres en Conseil Vol. XXII, p. 296.

<sup>b</sup> Recueil d'Ordonnances Tome IV, p. 281.

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**NOTE**

*The Ordinance was made and came into operation on 30th June, 1976.*

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