

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Dogs (Liability for Injury and Protection of Livestock)
Ordinance, 1982 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XXII, p. 190. See also the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008 (No. XX of 2008)

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ARRANGEMENT OF SECTIONS

1. Liability for injury done by dogs to livestock.
2. Protection of livestock against dogs.
3. Interpretation.
4. Savings.
5. Citation.

(Made on 29th September, 1982.)

The Dogs (Liability for Injury and Protection of Livestock) Ordinance, 1982

THE STATES, in pursuance of their Resolution of the twenty-eighth day of July, nineteen hundred and eighty-two, hereby order: –

Liability for injury done by dogs to livestock.

1. (1) Where a dog causes damage by killing or injuring livestock, any person who is a keeper of the dog shall be liable for the damage, except as otherwise provided by the provisions of the next succeeding subsection.

(2) A person shall not be liable under the provisions of the last preceding subsection if the livestock was killed or injured on land on to which it had strayed and either the dog belonged to the occupier of that land or the presence of that dog on the land was authorised by the occupier thereof.

(3) For the purposes of this section, and subject to the provisions of the next succeeding subsection, a person is a keeper of a dog if –

- (a) he owns the dog or has it in his possession, or
- (b) he is the head of a household of which a member under the age of sixteen owns the dog or has it in his possession,

and if at any time the dog ceases to be owned by or to be in the possession of a person, any person who immediately before that time was a keeper thereof by virtue

of the provisions of paragraphs (a) or (b) of this subsection continues to be a keeper of the dog until another person becomes a keeper thereof by virtue of those provisions.

(4) Where a dog is taken into and kept in possession for the purpose of preventing it from causing damage or of restoring it to its owner, a person is not a keeper of it by virtue only of that possession.

(5) In this section the expression "**owner**", in relation to a dog, includes the person whose name is on the collar of the dog, or on a metal disc attached to the collar of the dog, as the case may be, in accordance with the provisions of the Dog Licences (Guernsey) Law, 1969^a, and the expressions "**owns**" and "**owned**" shall be construed accordingly.

NOTE

In accordance with the provisions of the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008, section 4, Schedule, paragraph 7, with effect from 28th October, 2008, this Ordinance is one of those enactments which may be repealed, etc by ordinance under the 2008 Law.

Protection of livestock against dogs.

2. (1) In any civil proceedings against a person (in this section referred to as "**the defendant**") for killing or causing injury to a dog it shall be a defence to prove –

- (a) that the defendant acted for the protection of any livestock and was a person entitled to act for the

^a Ordres en Conseil Vol. XXII, p. 296.

protection of that livestock, and

- (b) that within forty-eight hours of the killing or injury notice thereof was given by the defendant to the officer in charge of the police station.

(2) For the purposes of this section, a person is entitled to act for the protection of any livestock if, and only if –

- (a) the livestock, or the land on which it is, belongs to him or to any person under whose express or implied authority he is acting, and
- (b) the circumstances are not such that liability for killing or causing injury to the livestock would be excluded by the provisions of subsection (2) of the last preceding section.

(3) Subject to the next succeeding subsection, a person killing or causing injury to a dog shall be deemed for the purposes of this section to act for the protection of any livestock if, and only if, either –

- (a) the dog is worrying or is about to worry the livestock and there are no other reasonable means of ending or preventing the worrying, or
- (b) the dog has been worrying livestock, has not left the vicinity and is not under the control of any person and there are no practicable means of ascertaining to whom it belongs.

(4) For the purposes of this section, the condition stated in paragraphs (a) or (b) of the last preceding subsection shall be deemed to have been satisfied if the defendant believed that it was satisfied and had reasonable ground for that belief.

(5) For the purposes of this section –

- (a) livestock belongs to any person if he owns it or has it in his possession, and
- (b) land belongs to any person if he is the occupier thereof.

Interpretation.

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

"livestock" means cattle, sheep, goats, swine, horses and poultry; and for the purposes of this definition, **"cattle"** means bulls, cows, oxen, heifers and calves, **"horses"** includes asses and mules, and **"poultry"** means domestic fowls, turkeys, geese, ducks, guinea fowls, partridges, pheasants and pigeons,

"worry", in relation to livestock, means –

- (a) attacking livestock, or
- (b) chasing livestock in such a way as may reasonably be

expected to cause injury or suffering to the livestock, or, in the case of females, abortion, or loss of or diminution in their produce,

and the expression "**worrying**" shall be construed accordingly.

(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.

Savings.

4. The provisions of this Ordinance shall not in any way affect the operation of the Ordinance entitled "Ordonnance pour la protection des Brebis" of the sixteenth day of April, eighteen hundred and sixty^b, and the provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of that Ordinance.

Citation.

5. This Ordinance may be cited as the Dogs (Liability for Injury and Protection of Livestock) Ordinance, 1982.

NOTE

The Ordinance was made and came into operation on 29th September, 1982.

^b Recueil d'Ordonnances Tome III, p. 435.