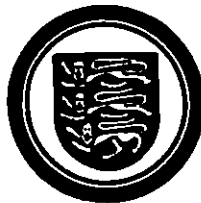


adopted 18-9-79 (L19/80)

**DRAFT PROTECTION OF ANIMALS (JERSEY) LAW,
197 .**

*Lodged au Greffe on 19th June, 1979 by the Agriculture and
Fisheries Committee*



STATES OF JERSEY

STATES GREFFE

Explanatory Note

The purpose of this Law, as indicated in its long title, is to repeal the "Loi (1896) pour empêcher le mauvais traitement des animaux" and replace it with new provisions for preventing the ill-treatment of animals, by which is meant domestic animals (as defined) and captive animals (as defined).

Article 1 deals with interpretation.

Article 2 describes and provides penalties for the offences of cruelty. *Paragraph (1)* lists various categories of acts or omissions which will constitute an offence of cruelty and prescribes the penalties. *Paragraph (2)* provides for the prosecution of certain parties to an offence of cruelty. *Paragraph (3)* makes special provision in respect of animals which are killed for food.

Article 3 provides for the humane destruction of animals – by order of the court (*paragraph (1)*) or by the States Veterinary Officer (*paragraph 2*) – and *paragraph (3)* exempts the States Veterinary Officer from civil or criminal liability in respect of any proper exercise of his power under *paragraph (2)*. *Paragraph (4)* enables expenses incurred under *paragraph (1)* of the Article to be recovered from the owner.

Article 4 gives the court power to deprive a person convicted of an offence of cruelty of ownership of the animal concerned.

Article 5 enables the court to disqualify for keeping animals any person convicted of an offence of cruelty. The disqualification may apply to the animal against whom the act of cruelty was committed, or a specified kind, or specified kinds of animals, or all animals. Under *paragraph (2)* if a disqualified person is the holder of a licence issued under Part II of the Dogs (Jersey) Law, 1961, the licence will be suspended during the disqualification. *Paragraph (3)* provides for the suspension of a disqualification order while arrangements are made for the animal's custody or pending an appeal. *Paragraph (4)* enables a disqualified person to apply for reinstatement; *paragraph (5)* prescribes offences and penalties; and *paragraph (6)* sets out who will, in the absence of contrary evidence, be regarded as "keeping" an animal.

Article 6 enables the court to award monetary compensation to a person who suffers damage in his person or property by reason of any act of cruelty to an animal. Such an award would preclude the recipient from instituting civil proceedings against the offender in respect of the same damage.

Article 7 makes certain powers available to named officers to ensure enforcement of the Law. Under *paragraph (1)*, a police officer, as defined in the Police (Jersey) Law, 1974, the States Veterinary Officer, and the Honorary Veterinary Surgeon for the time being of the Jersey Society for the Prevention of Cruelty to Animals, may, under the authority of a Bailiff's

warrant, enter on land (which by virtue of Article 4(1) (1) of the Interpretation (Jersey) Law, 1954 includes houses and other buildings) to examine and test animals and places where animals are kept *Paragraph (2)* gives a veterinary surgeon power to seize an animal which he finds in a public place, or on land which he has entered under the authority of a Bailiff's warrant, and which he suspects has been, or is being, cruelly treated, and remove it to a place of safety *Paragraph (3)* gives a veterinary surgeon who has entered land under the authority of a Bailiff's warrant power to take action, or give instructions, for relieving any undue suffering caused by acts of omission or neglect, to any animals which are there *Paragraph (4)* provides for recovery of expenses and *paragraph (5)* prescribes penalties for obstructing a police officer or veterinary surgeon or failing to comply with instructions given under paragraph (3)

Article 8 repeals the "Loi (1896) pour empêcher le mauvais traitement des animaux" and *Article 9* contains the short title of the Law.

Committee Note.

The implementation of this Bill will require no additional staff for the Agriculture and Fisheries Committee

Note of the Establishment Committee.

The Establishment Committee has no comment to make regarding this legislation as it is satisfied that no additional staff will be required when it is implemented

PROTECTION OF ANIMALS (JERSEY) LAW, 197 .

A LAW to make new provisions for preventing the ill-treatment of animals; to repeal the "Loi (1896) pour empêcher le mauvais traitement des animaux", as amended, and for connected purposes, sanctioned by Order of Her Majesty in Council of the

(Registered on the _____ day of _____, 197 .)

STATES OF JERSEY.

The _____ day of _____, 197 .

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

ARTICLE 1.

INTERPRETATION.

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(1) In this Law, unless the context otherwise requires—

"animal" means a domestic animal, or a captive animal;

"captive animal" means any animal, (not being a domestic animal), and including any bird, fish, reptile or amphibian, which is kept by man in a state of captivity or confinement; 10

"domestic animal" means any ass, cattle, cat, dog, goat, horse, mule, pig or sheep, of whatever age, any poultry, and any other animal of whatever kind or species which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man; 15

"poultry" means any domestic fowl, dove, duck, goose, guinea fowl, pea fowl, pigeon, swan or turkey;

"Veterinary Officer" has the meaning assigned by Article 1A of the Diseases of Animals (Jersey) Law, 1954;⁽¹⁾ 20

⁽¹⁾ Volume 1957-1960, page 566.

“veterinary surgeon” means a veterinary surgeon registered under the Laws or Regulations for the time being regulating the exercise of that profession in the Bailiwick,

- 5 (2) Except where the context otherwise requires, references in this Law to any enactment include references to that enactment as amended, extended or applied by or under any other enactment and to any enactment repealing and re-enacting that enactment with or without further amendment

10 **ARTICLE 2**
OFFENCES OF CRUELTY

(1) Any person who—

- 15 (a) cruelly beats, kicks, wounds, worries, tortures, infuriates, terrifies, overrides, overdrives or overloads any animal, or drives it when overloaded, or
- (b) by wantonly or unreasonably doing or omitting to do any act causes unnecessary suffering to any animal, or
- 20 (c) conveys or carries any animal in such a manner or position as to cause it unnecessary suffering; or
- (d) takes part in the fighting or baiting of any animal, or is involved in the management of any premises or place used, or partly used, for that purpose, or receives money for the admission of any person to such
- 25 premises or place; or
- (e) subjects any animal to any operation which is performed without due care and humanity, or
- (f) being the owner or person in charge of a domestic animal or captive animal—
- 30 (i) omits to supply it with proper and sufficient food, water or shelter, or
- (ii) wantonly or unreasonably neglects it so as to cause it unnecessary suffering, or
- 35 (iii) without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause it unnecessary suffering,

shall be guilty of an offence of cruelty and shall be liable to a fine not exceeding £500 or to imprisonment for a term not exceeding six months, or both

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(2) Any person who—

- (a) causes or procures any person to commit an offence under this Article, or

- (b) being the occupier of any land, permits such an offence to be committed or unreasonably fails to prevent the commission or continuation of such an offence thereon; or
- (c) being the owner or a person in charge of any animal, permits such an offence to be committed in respect of that animal, or unreasonably fails to prevent the commission or continuation of such an offence;

shall be guilty of an offence and punishable in like manner as if he had himself committed the original offence.

(3) This Article shall not 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 the destruction or the preparation was accompanied by the infliction of unnecessary suffering.

ARTICLE 3.

HUMANE DESTRUCTION OF ANIMALS.

(1) If the owner of an animal is convicted of an offence of cruelty under this Law against that animal, the court may, if it is satisfied on the evidence of a veterinary surgeon that it would be cruel to keep the animal alive, order that it be destroyed, and for that purpose may assign the animal to any suitable person, who shall, as soon as practicable, destroy it and dispose of the carcase as ordered by the court.

(2) If the Veterinary Officer finds an animal, not being an animal to which paragraph (2) of Article 5 of the Slaughter of Animals (Jersey) Law, 1962⁽²⁾ applies, which is so injured or sick that, in his opinion, it would be cruel to keep it alive, he shall if its owner is not known, or is absent, or cannot be found within a reasonable time, or refuses to consent to its destruction, forthwith destroy the animal, and shall dispose of the carcase in such manner as he thinks fit.

(3) The Veterinary Officer shall not be subject to any civil or criminal liability in respect of any action taken under paragraph (2) of this Article unless he has acted in bad faith or without reasonable care.

(4) Any expenses reasonably incurred in destroying an animal under paragraph (1) of this Article shall be payable by the owner and shall be recoverable from him as a civil debt.

ARTICLE 4.

POWER OF COURT TO DEPRIVE PERSON OF OWNERSHIP OF ANIMAL.

On the conviction of the owner of any animal of the offence of cruelty under this Law against that animal, the court, if

satisfied that the animal, if left with the owner, is likely to be exposed to further cruelty, may order that he be deprived of the ownership of the animal and may make such order as to the disposal of the animal as it thinks fit under the circumstances.

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ARTICLE 5.

DISQUALIFICATION OF PERSONS CONVICTED OF CRUELTY.

(1) Any court before which a person is convicted of an offence of cruelty under this Law against a domestic animal or a captive animal may, in addition to any other penalty, order him
10 to be disqualified for such a period as it thinks fit, for keeping such an animal, or any animal of a kind specified in the order, or all animals.

(2) If a person who is disqualified by virtue of an order under paragraph (1) of this Article is the holder of a licence
15 issued under Part II of the Dogs (Jersey) Law, 1961,⁽³⁾ as amended,⁽⁴⁾ (hereinafter referred to as a "dog licence") the licence shall be suspended so long as the disqualification continues in force and shall, during the time of the suspension, be of no effect.

(3) A court which has ordered the disqualification of a person under paragraph (1) of this Article may, if it thinks fit, suspend the operation of the order—

(a) for such period as it thinks necessary for enabling
25 arrangements to be made for the custody of any animal to which the disqualification relates; or

(b) pending an appeal.

(4) A person who is disqualified by virtue of an order made under paragraph (1) of this Article may, at any time after the
30 expiration of twelve months from the date of the order, and from time to time, apply to the court which made the order to remove the disqualification and at the hearing of the application the court may, as it thinks fit, having regard to the character of the applicant, his conduct since the making of the order, the nature of the offence of which he was convicted, and
35 any other circumstances of the case—

(a) direct that, as from the date specified in the direction, the disqualification be removed, or the order be so varied as to apply only to animals of a kind specified in the direction; or

40 (b) refuse the application:

Provided that where on any such application the court directs the variation of the disqualification order, or refuses the application, a further application under this paragraph shall not be entertained if made within six months after the date of the direction or refusal.

⁽³⁾ Volume 1961-1962, page 352

⁽⁴⁾ Volume 1966-1967, page 723

(5) Any person who keeps an animal in contravention of an order made under this Article, or who, while subject to such an order, obtains a dog licence, shall be guilty of an offence and liable to a fine not exceeding £200, or imprisonment for a term not exceeding three months, or both.

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(6) In this Article, a person in whose custody, charge or possession, or in whose house or premises, an animal is found or seen shall, unless the contrary is proved, be deemed to be the person who keeps that animal.

ARTICLE 6.

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LIABILITY FOR DAMAGE DONE THROUGH CRUELTY.

(1) On the conviction of any person for an offence of cruelty under this Law, the court may order the offender to pay to any person such sum not exceeding £500 as it thinks fit by way of compensation for any damage suffered by that person, or any animal or property of his, through or by means of the offence.

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(2) A person to whom a sum is ordered to be paid under paragraph (1) of this Article shall not institute civil proceedings against the offender in respect of the same damage.

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ARTICLE 7.

ENFORCEMENT POWERS

(1) If it appears to the Bailiff on information on oath laid by a police officer, the Veterinary Officer, or the Honorary Veterinary Surgeon for the time being of the Jersey Society for the Prevention of Cruelty to Animals (a Society incorporated by a Law passed on the 20th day of June, 1936⁽⁵⁾) that an offence of cruelty under this Law has been or is being committed against any animal, the Bailiff may issue a warrant authorising any one or more of the aforementioned officers to enter at any time, by force if necessary, any land where the offence appears to be taking, or to have taken place and to examine and test any animal found there and any place where such an animal is kept.

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(2) A veterinary surgeon who finds in any public place, or on land which he has entered under the authority of a warrant issued under paragraph (1) of this Article, any animal against which he has reasonable cause to believe that an offence of cruelty under this Law has been or is being committed, may seize the animal and may remove it to a place of safe custody and there hold it until any proceedings brought in respect of that offence are completed, or the Court during the course of such proceedings orders otherwise, or it is decided that no such proceedings shall be brought.

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(3) If a veterinary surgeon, whilst on land which he has entered under the authority of a warrant issued under paragraph (1) of this Article, is satisfied that undue suffering is

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being caused to any animal by reason of an omission to supply it with proper and sufficient food, water or shelter, or any other omission or neglect, he may himself take, or require the owner or person in charge or appearing to be in charge of the animal to
5 take, such steps as the veterinary surgeon considers necessary to prevent or mitigate the animal's suffering.

(4) Any expenses reasonably incurred by a veterinary surgeon under paragraph (2) or paragraph (3) of this Article, including in either case the cost of any veterinary treatment
10 reasonably required in respect of any animal, shall be recoverable—

(a) from the owner or person in charge or appearing to be in charge of the animal, as a civil debt; or

(b) if a person is convicted of an offence under this Law
15 against that animal, from that person as costs of the prosecution.

(5) Any person who obstructs a police officer or veterinary surgeon in the execution of his duties under this Law, or refuses or wilfully fails to comply with any requirement of a veterinary
20 surgeon under paragraph (3) of this Article, shall be guilty of an offence and shall be liable to a fine not exceeding £200.

ARTICLE 8.

REPEAL.

The "Loi (1896) pour empêcher le mauvais traitement des
25 animaux",⁽⁶⁾ as amended,⁽⁷⁾ is hereby repealed.

ARTICLE 9.

CITATION

This Law may be cited as the Protection of Animals (Jersey) Law, 197 .

⁽⁶⁾ Tomes IV-VI, page 139.

⁽⁷⁾ Volume 1973-1974, page 219