

4.3 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding penalties to owners who refuse to keep their dogs under proper control:

Will the Minister be increasing penalties to owners who refuse to keep their dogs under proper control and allow vicious dog attacks on smaller breeds, and, if not, why not?

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

There are 2 different areas of law involved here, firstly, the Dogs (Jersey) Law of 1961. Now, under that, if a person is aggrieved by the behaviour of another dog and thinks a person is not properly controlling them, they can make a representation before the Magistrate - this very often is dealt with by a Centenier - and the Magistrate can then make an order, either that they will be kept under proper control or for the destruction of the dog. If there is then a failure to comply with that order, that can give rise to penalties of a fine up to £500, or, perhaps more severely, the Magistrate can order the destruction of the dog, which is quite a severe penalty to many pet owners. The alternative approach is under Article 4 of the Animal Welfare (Jersey) Law. If, for instance, a big dog were to be set on a small dog by an owner and there was damage done, then, in my view, that would be an offence under Article 4(1) of that law. If they were just to stand by and not to control their dog and to do nothing, then arguably it would also be an offence under that Article, under Article 4(2). In either case the penalties there would be 12 months' imprisonment and/or a fine of £5,000. The numbers of cases reported to the police of attacks by dogs on dogs are very low: 5 cases in 2008 and 2 in 2009. On balance, I am of the opinion that the penalties are adequate.

Deputy K.C. Lewis:

I thank the Minister for his reply.

4.3.1 Deputy G.P. Southern of St. Helier:

What discussions has the Minister for Home Affairs had with the Comité des Connétables on the issue of dogs and stray attacks and reports?

Senator B.I. Le Marquand:

I am not quite sure how to answer that question. Interestingly enough, if I can make an awful pun, the Comité des Connétables have taken the lead in this area. But I am advised that it probably does lie properly in the area of the Minister for Home Affairs. I am not sure what the question was, frankly.

Deputy G.P. Southern:

If I may, the question might be: in terms of reports of dog attacks, that the alternative to going to the police - the uniformed police - is to go to your Constable and report an attack, and I wondered if such reports... and, having had discussions with him on the level of reports, through the Magistrate.

Senator B.I. Le Marquand:

I do not know if that happened whether the figures would then be passed on to the States of Jersey Police or not. That is a matter for the practice of Centeniers. But I can say that wherever such representations were brought to the fore, it was always, in my experience, by a Centenier acting on complaints made by Deputies.

4.3.2 Deputy G.P. Southern:

If I may, a second supplementary. Will the Minister for Home Affairs then have discussions with the chairman of the Constables Committee to establish the level of such attacks?

Senator B.I. Le Marquand:

Well, if the chairman has information on that. I do not know if figures are kept by the Honorary Police on such a matter.

4.3.3 Deputy P.V.F. Le Claire:

I have been asking behind the scenes for about a year and a half on the matter of dangerous dogs and I have been informed by the Comité des Connétables and Her Majesty's Attorney General that the issue of dangerous dogs and legislation was a subject for possible review. I wonder, given that this has been raised today, whether or not the Minister for Home Affairs could look into this issue and see where it is in terms of law drafting and what the issues are because I certainly have been kept on the back burner for about a year and a half on this issue and I would like to know, as others do, what the situation is. Would the Minister please undertake to investigate and report back?

Senator B.I. Le Marquand:

I am very happy to check up if there is some legislation in progress. I cannot recall having heard any but my memory is not perfect these days.