

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS  
BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 9th MARCH 2010**

**Question**

In light of his response to an oral question on 1st December 2009 concerning the importation of dangerous dogs, would the Minister consider amending the Dogs (Jersey) Law 1961, in order to address the following specific matters and, if so, what would be the likely law drafting costs and timescales involved?

- (a) giving the Court power to specify control measures in respect of particular dogs;
- (b) creating a small number of new criminal offences in relation to dogs on private property without permission;
- (c) giving the Court powers to confiscate dogs;
- (d) conferring power on police officers to seize dogs which are out of control in a public place;
- (e) making dogs owned by young persons the legal responsibility of the head of the household in which the young person lives.
- (f) removing certain breeds from being kept in Jersey or admitted to the Island by visitors?

**Answer**

I indicated in my response to Deputy Power's oral question on the 1st December 2009 that I would not be seeking to amend the Dogs (Jersey) Law 1961, as I believe that the current measures that are in place in relation to dogs are sufficient. Subsequently, I met with Deputy Power and with a representative of the Jersey Animal Shelter in order to discuss the relevant issues. I am awaiting a further communication from the Jersey Animal Shelter in the eventuality that they continue to have concerns in this area.

Under the Customs and Excise (Import and Export Control) (Jersey) Order 2006, a licence is required to import or export any of the following breeds of dog:

*Any dog of –*

*(a) the type commonly known as –*

- (i) the Dogo Argentino,*
- (ii) the Fila Braziliera,*
- (iii) the Japanese Tosa (or Tosa), or*
- (iv) the Pit Bull Terrier; or*

*(b) any other type which appears to have been bred for fighting.*

As Minister for Home Affairs, I am responsible under that Order for granting the requisite licence to enable a person to import or export such a dog, and I have no intention of granting any import licence in respect of these breeds of dog. This covers question (f).

Police officers are empowered under the Dogs (Jersey) Law 1961 to seize and detain dogs which are, or which they believe to be, stray, pending their return to the owner on payment of a fine. It is also an offence under that same Law for any dog to worry livestock. This covers question (d)

In respect of dogs that are not being kept under proper control, or that are found to be dangerous, Article 11 of the Dogs (Jersey) Law 1961 provides:

*Where it is shown to the satisfaction of the Magistrate's Court, on a representation made by any person, that a dog is dangerous or is not kept under proper control, the court may make an order relating either –*

*(a) that the dog shall be kept under proper control; or*

*(b) that the dog shall be destroyed*

If a dog owner subsequently fails to comply with an order that the dog be kept under proper control, they are guilty of an offence. This covers questions (a) and (c).

Under Article 2 of the Policing of Beaches (Jersey) Regulations 1959 it is an offence for a person to '*permit any dog of which the person is in charge to rush at, worry or otherwise interfere with the safety, comfort or convenience of any other person on the beach*'.

In relation to question (b), this suggestion would effectively create an offence of a dog owner in relation to the dog trespassing on private property. I do not think that this is necessary and believe that issues relating to straying dogs are already adequately dealt with.

In relation to question (e), I believe that the head of household would normally be treated as the responsible person in relation to a dog which was owned by a young person.

Therefore, I do not see the need to amend the Dogs (Jersey) Law at this time, as I believe there to be sufficient safeguards already in place within that Law, and other pieces of legislation. Moreover, as I made clear at the time of responding to Deputy Power's question, I have a large number of major pieces of legislation that I wish to progress and, as Members will be aware, that there is currently a shortfall both in the law drafting programme and in the ability of the Minister and his Department to complete these matters within the life of the current Assembly.