

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Control of Dogs (Alderney) Ordinance, 2002 *

[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 the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.

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* Alderney Ordinance No. XIV of 2002; as amended by the Control of Dogs (Alderney) (Amendment) Ordinance, 2004 (Alderney Ordinance No. XIV of 2004). See also the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

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ARRANGEMENT OF SECTIONS

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SCHEDULE

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| Part II | Controlled Places at all times. |
| Part III | Controlled Places in the months of May, June, July, August & September. |

(Made on the 23rd October, 2002.)

The Control of Dogs (Alderney) Ordinance, 2002

THE STATES OF ALDERNEY, in exercise of the powers conferred on them by section 46 of, and paragraph (a) of Schedule 2 to, the Government of Alderney Law, 1987, as amended^a, hereby order: –

Controlled and prohibited places.

1. For the purposes of this Ordinance –
 - (a) the places mentioned in Part I of the Schedule (including any footpaths adjacent to them) and the places mentioned in Part II of the Schedule are controlled places at all times, and
 - (b) the places mentioned in Part III of the Schedule (including any slope, slip or stairs leading to them) are controlled places in the months of [May,] June, July, August and September.

NOTE

In section 1, the word in square brackets in paragraph (b) (and not, as shown, incorrectly in the printed version of the 2004 Ordinance, in "section 2(b)") was inserted by the Control of Dogs (Alderney) (Amendment) Ordinance, 2004, section 1(a), with effect from 1st August, 2004.

^a Ordres en Conseil Vol. XXX, p. 37; paragraph (a) was amended by No. I of 2000.

Control of dogs.

2. (1) A person in charge of a dog shall not permit the dog to be –
 - (a) in any of the controlled places mentioned in Part I of the Schedule at any time, unless the dog is kept on a lead,
 - (b) in any of the controlled places mentioned in Part II of the Schedule at any time, or in any of the controlled places mentioned in Part III of the Schedule at any time during the months of June, July, August and September, unless the dog is –
 - (i) a guide dog or a hearing dog which at the time is in the charge of a blind person or, as the case may be, a deaf person, or
 - (ii) a police dog or a customs dog which at the time is in the charge of an officer of police or, as the case may be, an officer of customs and excise who in either case is on duty at the time.
- (2) A person in charge of a dog shall not permit the dog to foul any controlled place mentioned in Part I, II or III of the Schedule by depositing its faeces thereon.
- (3) A person in charge of a dog in any controlled place mentioned in Part I, II or III of the Schedule or in any public place shall immediately remove any faeces deposited there by the dog.

(4) In subsection (3) the expression to "**remove**" means to remove the faeces from that place and from any other place referred to in that subsection or to deposit the faeces in a receptacle provided for the specific purpose.

Offences.

3. A person who contravenes or fails to comply with any provision of section 2 is guilty of an offence and liable, on conviction, to a fine not exceeding level 2 on the Alderney uniform scale.

Interpretation.

4. (1) In this Ordinance –

"**officer of customs and excise**" means an officer within the meaning of section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^b,

"**officer of police**" means a member of the salaried police force of the Island of Guernsey, any member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a member of the Alderney Special Constabulary,

"**owner**", in relation to a dog in respect of which a licence has been issued in accordance with the provisions of the Dog Licences (Guernsey) Law, 1969^c, as extended by the Alderney (Application of Legislation) (Dog Licences) Ordinance, 1969^d, means the person to whom the licence was issued,

^b Ordres en Conseil Vol. XXIII, p. 573; and No. XIII of 1991.

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

^d Recueil d'Ordonnances Tome XVI, p. 202.

"**person in charge**", in relation to a dog, means the person having control or charge of the dog at the time of the alleged offence; and if no person has control or charge of the dog at that time, the owner of the dog shall be deemed to be the person in charge of it at that time,

"**public place**" means any place to which the public are entitled or permitted to have access, whether on payment of a fee or otherwise.

(2) The Interpretation (Guernsey) Law, 1948^e applies to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

(3) Any reference in this Ordinance to an enactment shall, except where the context otherwise requires, include a reference thereto as amended, repealed and replaced (with or without modifications), extended or applied.

NOTE

In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

Repeals.

5. The Dogs (Controlled Places) Ordinance, 1989 and the Dogs (Controlled Places) (Amendment) Ordinance, 1989 are repealed.

^e Ordres en Conseil Vol. XIII, p. 355.

Citation.

6. This Ordinance may be cited as the Control of Dogs (Alderney) Ordinance, 2002.

Commencement.

7. This Ordinance shall come into force on the 1st November, 2002.

SCHEDULE

Section 1

PART I

CONTROLLED PLACES AT ALL TIMES

1. Royal Connaught Square.
2. High Street.
3. Le Huret.
4. Marais Square.
5. Queen Elizabeth II Street.
6. Ollivier Street.
7. Victoria Street.
8. Island Hall Gardens.
9. The Butes.
10. The Val, including the roadway to the sides and rear of the Old States Dairy (now the Alderney Snooker Club).

PART II

CONTROLLED PLACES AT ALL TIMES

1. Children's playground at the Butes.
2. Churchyard at Saint Anne's Parish Church.
3. Churchyard at the Old Parish Church adjacent to the Alderney Museum.
4. Cemeteries in Longis road.
5. War Memorial Gardens.

PART III

CONTROLLED PLACES IN THE MONTHS OF [MAY,]
JUNE, JULY, AUGUST & SEPTEMBER

Consolidated text

1. Arch Beach.
2. Braye Beach.
3. Corblets Beach.
4. Longis Beach, from Raz Causeway to Nunnery Slipway.
5. Saye Beach.
6. Telegraph Bay Beach.

NOTE

In the Schedule, the word in the heading to Part III was inserted by the Control of Dogs (Alderney) (Amendment) Ordinance, 2004, section 1(b), with effect from 1st August, 2004.
