

STATES OF JERSEY



DRAFT PET TRAVEL SCHEME (JERSEY) REGULATIONS 201-

Lodged au Greffe on 25th October 2011
by the Minister for Planning and Environment

STATES GREFFE



Jersey

DRAFT PET TRAVEL SCHEME (JERSEY) REGULATIONS 201-

REPORT

Purpose of the Report

To introduce the Draft Pet Travel Scheme (Jersey) Regulations 201- on the animal health requirements applicable to the non-commercial movement of pet animals (dogs, cat and ferrets) entering Jersey.

Background

Council Regulation (EC) No. 998/2003 harmonises the animal health controls applicable to the non-commercial movement of pet animals (dogs, cats and ferrets) between Member States and from Third Countries.

The EU Regulation covers the identification and rabies vaccination of pet animals and for a transitional period, which expires on 31st December 2011, enabled the UK (including the Channel Islands) to require additional measures (a blood test followed by a 6 month wait and to be treated against tick and tapeworm) prior to entry. The control measures include travel with an approved carrier. The additional measures have been in force since inception of the UK Pet Travel Scheme in 2000, therefore predated the EU Regulation. Jersey adopted the Pet Travel Scheme in line with the UK to enable continued free movement of dogs and cats between the Island and the UK.

Pet animals that do not meet the entry requirements must comply with the Rabies (Importation of Dogs, Cats and Other Mammals) (Jersey) Order 1976 which states that animals must be licensed by the Minister before entry into Jersey and must be detained for 6 months in an approved quarantine unit. No approved quarantine unit is available in Jersey.

Since the introduction of the UK Pet Travel Scheme in 2000 and the subsequent enactment of the Council Regulation, Europe has continued with an effective vaccination program to reduce rabies in the domestic and wild animal populations in Member States. There has not been one reported case of rabies in the EU associated with the legal movement of pets under EU pet movement system since it was introduced in 2004.

Amended Pet Travel Scheme

As a consequence of improved rabies vaccination and changed risk levels, from 1st January 2012 the Pet Travel Scheme will change. Pet animals entering or returning from EU Countries or listed Third Countries will have to be micro-chipped, vaccinated against rabies and wait 21 days before entry. Pet animals entering from unlisted Third Countries will have to be micro-chipped, vaccinated against rabies and wait 30 days, have blood samples taken and wait 3 months. Dogs will have to be treated for tapeworm (*E multilocularis*) at least 24 hours and not more than 120 hours (1–5 days) before embarkation. Pets will have to travel to Jersey with an approved carrier. All requirements have to be officially certified.

EU COUNTRIES

Austria	Germany	Netherlands
Belgium	Greece	Poland
Bulgaria	Hungary	Portugal
Czech Republic	Ireland	Romania
Cyprus	Italy	Slovakia
Denmark	Latvia	Slovenia
Estonia	Lithuania	Spain
Finland	Luxembourg	Sweden
France	Malta	

LISTED THIRD COUNTRIES AT 20/10/2011

Andorra	Falkland Islands	Norway
Antigua & Barbuda	Fiji	Russian Federation
Argentina	French Polynesia	St. Helena
Aruba	Guam	St. Kitts & Nevis
Ascension Island	Hawaii	St. Lucia
Australia	Hong Kong	St. Pierre & Miquelon
Bahrain	Iceland	St. Vincent & The Grenadines
Barbados	Jamaica	Saint Maarten
Belarus	Japan	San Marino
Bermuda	Liechtenstein	Singapore
BES Islands	Malaysia	Switzerland
Bosnia-Herzegovina	Mauritius	Taiwan
British Virgin Islands	Mayotte	Trinidad & Tobago

Canada	Mexico	United Arab Emirates
Cayman Islands	Monaco	USA (mainland)
Chile	Montserrat	Vanuata
Croatia	New Caledonia	Vatican
Curacao	New Zealand	Wallis & Futuna

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

Pet owners returning to Jersey, and those arriving to reside or visiting on holiday in Jersey with their pets, will benefit chiefly by not having to undertake blood tests and wait 6 months before being eligible for entry.

Conclusion

To ensure Jersey's continued protection against rabies and the tapeworm *E multilocularis*, compliance with EU legislation controlling the non-commercial movement of pet animals is necessary and will be achieved by adoption of the Draft Pet Travel Scheme (Jersey) Regulations 201-.

Explanatory Note

These Regulations give effect the “pet travel scheme” set out in Regulation (EC) 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals (the “Community Regulation”). The Community Regulation is designed, broadly, to ensure that pet animals (that is, cats, dogs and ferrets) travelling to a Member State (either from within the Community or from a third country) are vaccinated and treated appropriately against rabies. The Community Regulation is currently given effect to in Jersey by the Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006 and the Rabies (Importation of Dogs, Cats and other Mammals) (Jersey) Order 1976. The Community Regulation contains additional requirements for the import of pet animals (that is, dogs, cats and ferrets) to certain Member States, including the United Kingdom. Under recital 7 of the Community Regulation, the Channel Islands are considered to be part of the United Kingdom for the purposes of the Community Regulation. The current pet travel scheme in Jersey therefore contains the requirements as apply to movement to the UK from another Member State or from a third country. Jersey is required to remove the additional requirements from its legislation on the basis that, after 31st December 2011, the rabies control requirements that apply to pet animals coming to Jersey will be the same as for all other Member States.

These Regulations replace the Non-Commercial Movement of Pet Animals (Jersey) Regulation 2006 and the relevant parts of the Rabies (Importation of Dogs, Cats and other Mammals) (Jersey) Order 1976 by putting the provisions required to give effect to the Community Regulation into a single set of Regulations. These Regulations also give effect to a Commission Decision the purpose of which is to prevent (amongst other things) the spread of Nipah disease by dogs and cats from Malaysia and to prevent the spread of Hendra disease by cats from Australia.

These Regulations also give effect to any delegated act adopted by the Commission under the Community Regulation to ensure the control of diseases other than rabies. On 14th July 2011 the Commission adopted a Regulation to ensure the control of tapeworm in dogs. Following adoption, the European Parliament has about 4 months to decide whether to object to the Commission Regulation. Assuming that no objection is made, the Commission Regulation will come into force on 1st January 2012. The Commission Regulation includes measures to the effect that a pet passport certifying that the requirements of the Community Regulation in respect of rabies have been met must include a certificate that the requirements in respect of tapeworm set out in the Commission Regulation have been met. These Regulations are drafted in such a way that the measures set out in the Commission Regulation do not apply unless and until the Commission Regulation comes into force.

Regulation 1 is an interpretation provision. In particular it defines “pet animal” to mean a pet dog, pet cat or pet ferret. A “Commission Decision animal” is defined as a pet dog or cat in respect of which the requirements of the Commission Decision relating to Nipah or Hendra disease apply. A “compliant animal” is defined to mean an animal the landing of which in Jersey complies with the requirements of the Community Regulation and, if applicable the Commission Decision.

Regulation 2 provides that the Minister for Planning and Environment is the competent authority in Jersey for authorising vets to issue passports certifying

compliance with the requirements of the Community Regulation. Regulation 2 also allows the Minister to grant derogations under the Community Regulation in specific cases in respect of the requirements of the Community Regulation applicable to pet animals under 3 months old.

Regulation 3 prohibits a person from bringing a pet animal into Jersey unless it is brought into Jersey by a carrier approved by the Minister and (a) is a compliant animal or (b) if a non-compliant animal, its landing in Jersey is approved in advance by the Minister. The Minister cannot approve a non-compliant animal being brought into Jersey from a third country (other than a few exceptions listed in the Community Regulation) and in any event cannot give approval in respect of an animal which is non-compliant because it breaches the requirements of the Commission Decision. The prohibition does not apply to an animal brought to Jersey directly from the United Kingdom, the Isle of Man or any of the other Channel Islands, nor does it apply to a recognised assistance dog brought into Jersey in accordance with Regulation 4. Breach of the prohibition is a criminal offence carrying a maximum penalty of 6 months imprisonment and a fine of level 4 on the standard scale. This Regulation also makes provision for the process of approval of carriers and for suspending or withdrawing approval of carriers. Breach of a condition of a carrier's approval is an offence subject to a maximum penalty of 6 months imprisonment and a fine of level 4 on the standard scale. Breach of a condition of a Minister's prior approval for importing a non-compliant animal into Jersey is an offence subject to a maximum penalty of 12 months imprisonment and an unlimited fine.

Regulation 4 prohibits a person from bringing a recognised assistance dog into Jersey unless it is brought into Jersey in accordance with Regulation 3 or is brought into Jersey by a Community air carrier and is a compliant animal. If the carrier is not an approved carrier, the carrier must give the Minister at least 36 hours notice of the dog's intended arrival in Jersey, provided that the carrier has had at least 48 hours notice of the intended arrival. "Community air carrier" means an air carrier with a valid operating licence granted by a Member State. Breach of the prohibition or of failure to give the required advance notice is an offence subject to a maximum fine of level 2 on the standard scale.

Regulation 5 sets out what happens when a pet animal arrives in Jersey which is not compliant with the relevant requirements of the Community Regulation, and, if applicable, the Commission Decision. Such an animal must be detained and isolated in quarantine at the owner's expense at such premises and in such conditions as may be directed by an inspector or the animal must be exported from Jersey. ("Inspector" is defined to mean the Veterinary Officer or a person appointed by the Minister for the purposes of the Diseases of Animals (Jersey) Law 1956.) The period of quarantine ends when the animal becomes compliant with identification and documentation (including passport) requirements of the Community Regulation or is exported from Jersey unless the animal is a Commission Decision animal which does not meet the requirements of the Commission Decision relating to Nipah or Hendra diseases (as appropriate). Such a non-compliant Commission Decision animal must be exported from Jersey. This Regulation also contains provisions for seizing animals which escape quarantine. Breach of a condition of detention is an offence subject to a maximum penalty of 12 months imprisonment and an unlimited fine.

Regulation 6 allows an inspector, subject to any conditions he or she thinks are necessary or expedient, to direct the release from quarantine of a non-compliant animal at any time so that it can be exported from Jersey. Breach of such any such

condition is an offence subject to a maximum penalty of 12 months imprisonment and an unlimited fine.

Regulation 7 gives inspectors powers to undertake such searches, checks and examinations as may be necessary to give effect to the Community Regulation or these Regulations.

Regulation 8 prohibits a person from obstructing any person in the execution of any functions under the Community Regulation or under these Regulations. Breach of the prohibition is an offence subject to a maximum penalty of 12 months imprisonment and an unlimited fine.

Regulation 9 makes it an offence to alter a pet passport issued under the Community Regulation or to be in possession of a passport that has been unlawfully altered or that falsely purports to be a passport. The Regulation makes provision for similar offences in respect of a certificate required under the Commission Decision. The maximum penalty is 12 months imprisonment and an unlimited fine.

Regulation 10 makes provision for offences committed by a body corporate.

Regulation 11 revokes the Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006 (“2006 Regulations”).

Regulation 12 continues in force any approval of a carrier or authorization of a vet under the 2006 Regulations and provides that anything done under those Regulations or under the Rabies (Importation of Dogs, Cats and other Mammals) (Jersey) Order 1976 shall have effect as if done under these Regulations.

Regulation 13 sets out the title of these Regulations and provides that they shall come into force on 1st January 2012.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is –

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.



Jersey

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Arrangement

Regulation

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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996¹, have made the following Regulations –

1 Interpretation

(1) In these Regulations unless the context otherwise requires –

“carrier” means any undertaking carrying goods or passengers for hire by sea or air;

“Commission Decision” means Commission Decision (EC) No. 2006/146 of 21st February 2006 on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia (O.J. No. L55 25.2.2006 p.44);

“Commission Decision animal” means a pet animal, being a pet dog or cat, in respect of which the requirements of the Commission Decision apply;

“Community Regulation” means Regulation (EC) No. 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (O.J. No. L146 13.6.03 p.1) and any other Community instrument amending it, supplementing it or otherwise to be read with it;

“compliant animal” means a pet animal, the landing of which in Jersey complies with the requirements of the Community Regulation and, if applicable the requirements of the Commission Decision;

“inspector” means a person appointed by the Minister to be an inspector for the purposes of the Diseases of Animals (Jersey) Law 1956², and shall be taken to include the Veterinary Officer appointed under Article 2 of that Law;

“Minister” means the Minister for Planning and Environment;

“non-compliant animal” means an animal which is not a compliant animal;

“pet animal” means an animal that is a dog, cat or ferret, such animal being a pet animal within the meaning of the Community Regulation.

- (2) Unless the context otherwise requires, terms and expressions used in these Regulations and in the Community Regulation have the same meaning as in the Community Regulation.

2 Designation of competent authority for approvals and derogations

- (1) The Minister shall be the competent authority for the purposes of –
- (a) authorizing veterinarians under Article 5(1) of the Community Regulation; and
 - (b) granting derogations in relation to dogs and cats under 3 months old under Article 6(2) of the Community Regulation.
- (2) An authorization or derogation granted under this Regulation shall be in writing and may be subject to such conditions as the Minister considers necessary to –
- (a) ensure compliance with the requirements of the Community Regulation and with these Regulations; and
 - (b) protect public or animal health.
- (3) An authorization or derogation granted under this Regulation may be amended, suspended or revoked by notice in writing at any time.

3 Carriers

- (1) A person, including a carrier, must not bring a pet animal into Jersey unless –
- (a) the animal is brought into Jersey by a carrier approved by the Minister;
 - (b) the animal is a recognised assistance dog brought into Jersey in accordance with Regulation 4(1)(b); or
 - (c) the animal is brought into Jersey directly from another part of the British Islands or the Republic of Ireland.
- (2) The Minister shall grant approval by notice in writing to a carrier under this Regulation if the Minister is satisfied that, in respect of any pet animal brought into Jersey by the carrier, the carrier will –
- (a) check that the animal is a compliant animal; or
 - (b) if the animal is a non-compliant animal, bring the animal into Jersey only with the prior approval in writing of the Minister granted under paragraph (3).
- (3) The Minister may grant approval for bringing a non-compliant animal into Jersey from a Member State or third country listed in section 2 of part B of Annex II to the Community Regulation, such approval being addressed to the owner or the person responsible for bringing the animal

into Jersey on the owner's behalf and notified by the Minister to the carrier.

- (4) The Minister shall not grant approval under paragraph (3) in respect of an animal which is a non-compliant animal by reason of its failure to comply with the Commission Decision.
- (5) An approval granted under paragraph (2) or (3) of this Regulation may contain such conditions as the Minister considers necessary or expedient to ensure a pet animal –
 - (a) is a compliant animal; or
 - (b) in the case of non-compliant animal, complies with the identification, and documentation (including passport) requirements of the Community Regulation that apply to that animal,

including any conditions relating to checks carried out on behalf of the carrier.

- (6) The Minister may, by notice, in writing to the carrier, amend any approval given under paragraph (2).
- (7) If the Minister is satisfied that a carrier has failed to comply with a condition of its approval granted under paragraph (2), the Minister may suspend or withdraw the approval by giving notice in writing to the carrier with reasons for the suspension or withdrawal.
- (8) A carrier may, within 6 weeks of any notice given to the carrier under this Regulation, appeal to the Royal Court against the notice or any condition contained in the notice on the ground that it is unreasonable in all the circumstances of the case.
- (9) A person who –
 - (a) in the case of a carrier, contravenes paragraph (1), is liable to imprisonment for 6 months and a fine of level 4 on the standard scale;
 - (b) in the case of any other person, contravenes paragraph (1) without reasonable excuse, is liable to imprisonment for 6 months and a fine of level 4 on the standard scale.
- (10) A carrier who contravenes a condition of approval granted under paragraph (2) is guilty of an offence and liable to imprisonment for 6 months and a fine of level 4 on the standard scale.
- (11) A person who contravenes a condition of approval granted under paragraph (3) is guilty of an offence and liable to imprisonment for 12 months and a fine.

4 Recognised assistance dogs

- (1) A person must not bring into Jersey a recognised assistance dog unless –
 - (a) the dog is brought into Jersey in accordance with Regulation 3(1); or
 - (b) the dog –

- (i) is brought into Jersey by a Community air carrier, and
 - (ii) is a compliant animal.
- (2) A carrier who is not approved under Regulation 3(2) and who brings a recognised assistance dog into Jersey having received notification of the request to bring the dog at least 48 hours prior to the estimated time of arrival in Jersey must give the Minister not less than 36 hours notice of the estimated time of arrival of the dog in Jersey.
- (3) In this Regulation “Community air carrier” and “recognised assistance dog” have the same meanings as in Regulation (EC) No. 1107/2006 of 5th July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (O.J. No. L204, 26.7.2006 p.1).
- (4) A person who contravenes paragraph (1) or (2) is guilty of an offence and liable to a fine of level 2 on the standard scale.

5 Non-compliant animals arriving in Jersey

- (1) If a non-compliant animal is landed in Jersey it shall –
 - (a) be detained and isolated in quarantine at its owner’s expense, at such premises and subject to such conditions as an inspector may direct; or
 - (b) be exported, or caused to be exported, from Jersey.
- (2) An inspector or a police officer may seize, or cause to be seized any non-compliant animal which is required to be detained and isolated under this Regulation, including any non-compliant animal which has escaped such detention and isolation.
- (3) The period of detention and isolation in quarantine of a non-compliant animal under this Regulation shall end, unless the animal is a Commission Decision animal to which paragraph (4) applies, on whichever of the following dates occurs first –
 - (a) the date that the animal complies with the identification, and documentation (including passport) requirements of the Community Regulation that apply to that animal;
 - (b) the date that the animal is exported from Jersey under Regulation 6; or
 - (c) the date of any other event that ends the period in accordance with the Community Regulation.
- (4) If an animal is a non-compliant animal because the requirements of the Commission Decision are not complied with, any period of detention and isolation in quarantine shall end on the date that the animal is exported from Jersey.
- (5) If an inspector is satisfied that a non-compliant animal is in urgent need of veterinary treatment of a kind which cannot be administered at the premises where it is detained and isolated under paragraph (1)(a), an inspector may authorize the movement of the animal to a place at which such treatment can be administered, subject to compliance with such conditions as he or she may consider appropriate.

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- (6) A person who contravenes any condition under paragraph (1) or (5) shall be guilty of an offence and liable to imprisonment for 12 months and a fine.

6 Release from quarantine

- (1) An inspector may at any time, subject to such conditions as the inspector thinks necessary or expedient, direct the release of a non-compliant animal which is detained and isolated in quarantine under Regulation 5(1)(a) to allow the animal to be exported from Jersey at the owner's expense.
- (2) Any person who contravenes a condition under paragraph (1) shall be guilty of an offence and liable to imprisonment for 12 months and a fine.

7 Powers of inspectors

- (1) An inspector shall, on producing if required to do so, some duly authenticated document showing the inspector's authority, have a right at all reasonable hours (including the time of an animal's landing in Jersey) to –
- (a) enter any land or premises;
 - (b) stop any person or vehicle,
- for the purpose of administering and enforcing the Community Regulation or these Regulations.
- (2) An inspector shall have powers to carry out all checks, searches and examinations that may be necessary to ascertain whether the Community Regulation or these Regulations are being complied with and, in particular, may require the production of any document or record and may copy any document or record (whether or not in electronic form).
- (3) An inspector searching a person under this Regulation shall not be entitled to require a person to remove any of his or her clothing other than an outer coat, jacket, headgear, gloves and footwear.
- (4) A search of a person under this Regulation must be carried out by someone of the same sex.
- (5) In this Regulation "premises" includes any vessel, boat, aircraft or vehicle of any other description but does not include premises used exclusively as a dwelling house.

8 Obstruction

- (1) A person must not –
- (a) intentionally obstruct any person acting in the execution of any function under the Community Regulation or under these Regulations;
 - (b) without reasonable cause, fail to give any person acting in the execution of any function under the Community Regulation or under these Regulations any assistance or information, including

any document or record, which that person may reasonably require for the purposes of any of those functions; or

- (c) furnish to any person acting in the execution of any function under the Community Regulation or under these Regulations any information (including any information contained in document or record) that he or she knows to be false or misleading.
- (2) A person who contravenes this Regulation is guilty of an offence and liable to imprisonment for 12 months and a fine.

9 Falsification of passports etc.

- (1) A person other than a veterinarian authorized under Article 5(1) of the Community Regulation or a person acting at his or her direction must not alter any part of a passport other than the section giving details of the pet animal owner's name and address.
- (2) A person must not knowingly be in possession of –
 - (a) a passport or certificate that has been unlawfully altered; or
 - (b) a document that falsely purports to be a passport or certificate.
- (3) In paragraph (2) “certificate” means a certificate or other document certifying that the requirements of the Commission Decision have been met.
- (4) A person who contravenes this Regulation is guilty of an offence and liable to imprisonment for 12 months and a fine.

10 Offences by a body corporate etc.

- (1) Where an offence under these Regulations committed by a limited liability partnership, a separate limited partnership, or body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of –
 - (a) any director, manager, secretary or similar officer of the body corporate; or
 - (b) any person who was purporting to act in such a capacity,the person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

11 Revocation

The Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006³ is revoked.

12 Savings

Notwithstanding Regulation 11, any approval of a carrier or authorization of a veterinarian under the Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006⁴ shall continue in force as an approval or authorization under these Regulations and anything done under those Regulations or, in relation to a pet animal or a Commission Decision animal, under the Rabies (Importation of Dogs, Cats and other Mammals) (Jersey) Order 1976⁵ shall have effect as if done under these Regulations.

13 Citation and commencement

These Regulations may be cited as the Pet Travel Scheme (Jersey) Regulations 201- and shall come into force on 1st January 2012.

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- ¹ *chapter 17.245*
 - ² *chapter 02.400*
 - ³ *R&O.65/2006 (chapter 02.400.57)*
 - ⁴ *chapter 02.400.57*
 - ⁵ *chapter 02.400.70*