

STATES OF JERSEY



DRAFT PET TRAVEL SCHEME (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 29th February 2016
by the Minister for the Environment**

STATES GREFFE



Jersey

DRAFT PET TRAVEL SCHEME (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

REPORT

Purpose of the Report

To introduce the Pet Travel Scheme (Amendment No. 2) (Jersey) Regulations 201- on the animal health requirements applicable to the non-commercial movement of Pet Animals (dogs, cat and ferrets) entering Jersey and to make a new offence.

Background

Council Regulation (EU) No 576/2013 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 and repeals Regulation (EC) No 998/2003.

The EU Regulation covers the identification and rabies vaccination of pet animals and Commission Delegated Regulation (EU) No 1152/2011 of 14 July 2011 requires preventative health measures for the control of *Echinococcus multilocularis* infection in dogs. Jersey adopted the Pet Travel Scheme in line with UK to enable continued free movement of dogs, cats and ferrets between the Island and UK.

Pet animals that do not meet the entry requirements must be licensed by the Minister before entry into Jersey, and must be detained in an approved quarantine unit until compliant with the Regulation. No approved commercial quarantine unit is available in Jersey. Commercial import of dogs, cats and ferrets (animals imported for rehoming or for sale) must comply with the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011.

Since the introduction of the UK Pet Travel Scheme in 2000 and the subsequent enactment of the Council Regulation 576/2013, 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.

Details of the changes to be introduced to the Pet Travel Scheme

1. The Draft Pet Travel Scheme (Amendment No. 2) (Jersey) Regulations 201- amend the principal Regulations by making it an offence for a person to bring into Jersey a non-compliant pet animal. Currently, the Regulations require such pets to be brought into Jersey by an approved carrier other than from within the British Islands or the Republic of Ireland, and offences can be committed where an approved carrier is not used. The new offence strengthens the current enforcement provisions by making any person, such as

the owner or other person accompanying the animal, directly liable for bringing a non-compliant animal into Jersey. However, an approved carrier is not guilty of such an offence if the carrier has complied with all the relevant conditions of the carrier's approval.

2. In addition, the amendment enables the Minister to respond swiftly to a threat, to make Orders amending these Regulations to give effect to any implementing Act adopted by the European Commission under Article 36 of the Community Regulation. Article 36 allows the Commission to adopt implementing Acts where any disease or an infection, including rabies, occurs or spreads in a Member State, territory or a third country and is liable to represent a serious threat to public or animal health. Under Article 36 the Commission may suspend the non-commercial movement or transit of pet animals from all or part of the territory of the Member State, territory or third country concerned or lay down special conditions in respect of such movement.

Conclusion

To ensure Jersey's continued protection against rabies and the tapeworm *E multilocularis*, and to strengthen the current enforcement provisions, 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 (Amendment No. 2) (Jersey) Regulations 201-.

Financial and manpower implications

There are no financial or manpower implications arising from these draft Regulations, because Jersey has been carrying out compliance checks on a percentage of imported pets since the inception of the Pet Travel Scheme.

Explanatory Note

These Regulations amend the Pet Travel Scheme (Jersey) Regulations 2011 (“principal Regulations”). These Regulations give further effect to Regulation (EU) No. 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals (“Community Regulation”).

Regulation 1 is an interpretation provision.

Regulations 2 and 3 amend the principal Regulations by clarifying that the scope of the Regulations is confined to pet animals which are dogs, cats or ferrets, that is, animals of species listed in Part A of Annex I to the Community Regulation and does not cover animals of species listed in Part B of that Annex (certain kinds of invertebrates, aquatic animals, amphibia, reptiles, birds and mammals).

Regulation 4 amends the principal Regulations by making it an offence for a person to bring into Jersey a pet animal which does not comply with the relevant EU legislation specified in the Community Regulation relating to such things as vaccinations and pet passports. Currently the Regulations require such pets to be brought into Jersey (other than from within the British Islands or the Republic of Ireland) by an approved carrier. Offences can be committed where an approved carrier is not used or the carrier does not comply with the conditions of its approval or with the requirements in the Regulations for dealing with a non-compliant animal once it is brought into Jersey. The new offence strengthens the current enforcement provisions by making any person, such as the owner or other person accompanying the animal, directly liable for bringing a non-compliant animal into Jersey. However an approved carrier is not guilty of such an offence if the carrier has complied with all the relevant conditions of the carrier’s approval.

Regulation 5 inserts a provision in the principal Regulations so that an inspector is not personally liable for anything done by him or her in exercise of his or her powers under the principal Regulations and whilst acting within the scope of his or her employment.

Regulation 6 enables the Minister to make Orders amending these Regulations to give effect to any implementing act adopted by the European Commission under Article 36 of the Community Regulation. Article 36 allows the Commission to adopt implementing acts where any disease or an infection, including rabies, occurs or spreads in a Member State, territory or a third country and is liable to represent a serious threat to public or animal health. Under Article 36 the Commission may suspend the non-commercial movement or transit of pet animals from all or part of the territory of the Member State, territory or third country concerned or lay down special conditions in respect of such movement.

Regulation 7 sets out the title of these Regulations and provides that they will come into force 7 days after the day that they are made.



Jersey

DRAFT PET TRAVEL SCHEME (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 2 of the European Union Legislation (Implementation) (Jersey) Law 2014¹, have made the following Regulations –

1 Interpretation

In these Regulations “principal Regulations” mean the Pet Travel Scheme (Jersey) Regulations 2011².

2 Regulation 1 amended

In Regulation 1 of the principal Regulations –

- (a) in the definition “compliant animal” after the words “pet animal” there shall be inserted the words “of a species listed in Part A of Annex I to the Community Regulation”;
- (b) in the definition “non-compliant animal” for the words “an animal” there shall be substituted the words “a pet animal of a species listed in Part A of Annex I to the Community Regulation”.

3 Regulation 3 amended

In Regulation 3 of the principal Regulations before paragraph (1) there shall be inserted the following paragraph –

“(A1) In this Regulation ‘pet animal’ means a pet animal of a species listed in Part A of Annex I to the Community Regulation.”.

4 Regulation 5 amended

In Regulation 5 of the principal Regulations –

- (a) before paragraph (1) there shall be inserted the following paragraph –
“(A1) A person must not bring a non-compliant animal into Jersey.”;
- (b) after paragraph (5) there shall be inserted the following paragraphs –

“(5A) Subject to paragraph (5B), a person who contravenes paragraph (A1) is guilty of an offence and liable to imprisonment for 12 months and a fine.

(5B) A carrier who contravenes paragraph (A1) is not guilty of an offence if the carrier is an approved carrier and, at the time the animal is brought into Jersey, the carrier complied with all conditions of the carrier’s approval that are relevant to the contravention.”.

5 Regulation 7 amended

In Regulation 7 of the principal Regulations –

(a) in the heading after the word “Powers” there shall be inserted the words “and protection”;

(b) after paragraph (5) there shall be added the following paragraphs –

“(6) An inspector is not personally liable for anything that he or she does –

(a) when acting in the execution or purported execution of these Regulations; and

(b) when acting within the scope of his or her employment,

if the inspector is acting in the honest belief that his or her duty under these Regulations requires or entitles the inspector to do it.

(7) Paragraph (6) does not affect any liability of the inspector’s employer.”.

6 Regulation 10A inserted

After Regulation 10 there shall be inserted the following Regulation –

“10A Safeguarding measures

The Minister may by Order amend these Regulations by any such provisions as he or she thinks necessary or expedient to give effect to any implementing act adopted by the Commission under Article 36 of the Community Regulation.”.

7 Citation and commencement

These Regulations may be cited as the Pet Travel Scheme (Amendment No. 2) (Jersey) Regulations 201- and shall come into force 7 days after the day they are made.

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- ¹ *chapter 17.245*
² *chapter 17.245.95*