

STATES OF JERSEY

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DRAFT ANIMAL WELFARE (AMENDMENT) (JERSEY) LAW 200-

**Lodged au Greffe on 18th October 2005
by the Economic Development Committee**

STATES GREFFE



Jersey

DRAFT ANIMAL WELFARE (AMENDMENT) (JERSEY) LAW 200-

European Convention on Human Rights

The President of the Economic Development Committee has made the following statement –

In the view of the Economic Development Committee the provisions of the Draft Animal Welfare (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Deputy F.G. Voisin of St. Lawrence**

REPORT

The issue

The Animal Welfare (Jersey) Law 2004 was adopted by the States on 20th April 2004. However, a successful amendment by Deputy Hill restricted the powers of the Committee to appoint inspectors, including officers and employees of the Jersey Society for the Prevention of Cruelty to Animals (JSPCA). This amendment makes the law unworkable as it is not possible for the Environment Department (to whom the law is in the process of being transferred) to administer the Law without additional financial and manpower resources, as the Law currently stands. The proposed amendment allows for the principle of Deputy Hill's amendment to be satisfied, in that potential conflicts of interest do not arise, whilst at the same time allowing the appointment of inspectors to conduct investigations of undertakings as long as they are not connected to an undertaking engaged in a similar activity.

The facts

The Animal Welfare (Jersey) Law 2004 is in the process of being transferred from the Economic Development Committee to the Environment and Public Services Committee. With the exception of the States Veterinary Officer, there are no suitably qualified or experienced staff within the Environment Department to carry out general investigations, and it is impossible for the States Veterinary Officer to carry out this task without some support. As the Law currently stands, it is not possible for the Environment Department to administer the Law without additional financial and manpower resources which are not available. This proposed amendment reduces the need for extra resources by giving the ability to appoint inspectors to conduct investigations as long as they are not connected to an undertaking engaged in a similar activity.

The proposed amendment will allow for officers and employees of the JSPCA, with suitable experience in the field of animal welfare, to be authorised by the Committee for the purpose of carrying out actual or suspected offences of cruelty or neglect on premises on condition that activities undertaken on those premises, which are either licensed or subject to a licence application, are not the same as those undertaken by the inspector or his or her employer. Licensing of establishments under Part 3 of the Law will be carried out by the States Veterinary Officer.

The previous proposed amendment P.121/2005 is being withdrawn and replaced by this proposed amendment following consultation with Deputy F.J. Hill.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 14th October 2005 the Economic Development Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Economic Development Committee the provisions of the Draft Animal Welfare (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law would amend Article 22 of the Animal Welfare (Jersey) Law 2004. Article 22 allows the Committee to appoint inspectors who can enter and inspect premises which are the subject of an application for a licence under Part 3 of the Law or licensed under that Part. As enacted, Article 22 prohibits the Committee authorizing a person to be an inspector if that person, or his or her employer, requires or holds a licence. This Law would repeal that prohibition and replace it with a restriction on the exercise of the powers of an inspector under the Law. The restriction would prevent the exercise of powers by an inspector on or in relation to premises which are either licensed or to which an application for a licence applies, if the inspector or his or her employer also carries on an activity of the same kind to which the licence relates. For example, an inspector who personally holds a licence to breed dogs could not enter and inspect premises to which an application for a licence to breed dogs related.



Jersey

DRAFT ANIMAL WELFARE (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend the Animal Welfare (Jersey) Law 2004

Adopted by the States [date to be inserted]
Sanctioned by Order of Her Majesty in Council [date to be inserted]
Registered by the Royal Court in accordance with Article 2

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Article 22 of the Animal Welfare (Jersey) Law 2004 amended

In Article 22 of the Animal Welfare (Jersey) Law 2004^[1] –

- (a) paragraph (2) shall be deleted;
- (b) after paragraph (4) there shall be inserted the following paragraph -

(4A) An inspector shall not discharge any function or exercise any power under this Law on or in relation to premises to which an application for a licence, or a licence, relates if the application is for a licence to authorize, or the licence authorizes, any activity described in Article 14(2) or 15 which is also undertaken by the inspector personally, by the inspector's employer or by a person of whom the inspector is an office holder.”.

2 Citation and commencement

This Law may be cited as the Animal Welfare (Amendment) (Jersey) Law 200- and shall come into force on the same day as Article 22 of the Animal Welfare (Jersey) Law 2004.

^[1]L.27/2004.