

# **STATES OF JERSEY**

**r**

## **DRAFT ANIMAL WELFARE (JERSEY) LAW 200-**

---

**Lodged au Greffe on 19th August 2003  
by the Economic Development Committee**

---

**STATES GREFFE**





Jersey

## **DRAFT ANIMAL WELFARE (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 (Jersey) Law 200- are compatible with the Convention Rights.

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

# REPORT

---

## Introduction

In July 1999, the Agriculture and Fisheries Committee formed the Animal Welfare Advisory Panel, and requested that the panel undertake a review of Animal Welfare legislation. Those joining the panel were representatives of the various veterinary practices, the Jersey Zoo, the Jersey Society for the Prevention of Cruelty to Animals (JSPCA), Mr. N. Parlett (representing the Public), a representative of the Environmental Services Unit, an members of the Agriculture and Fisheries Department (inclusive of the States Veterinary Officer).

The Panel has considered the existing legislation concerning Animal Welfare, specifically –

Animals (Anaesthetics) (Jersey) Law 1947

Protection of Birds (Jersey) Law 1963

Protection of Birds (Amendment) (Jersey) Law 1972

Protection of Animals (Jersey) Law 1980

As a result of this comprehensive review of Animal Welfare issues, the Panel has recommended that the above legislation be repealed and replaced by this draft Law, the Animal Welfare (Jersey) Law 200-, presented herewith by the Economic Development Committee.

Within the review process, the Animal Welfare Advisory Panel considered representations from the public, clubs and associations, and businesses involved in the handling of animals.

The draft Law consolidates and revises the Laws promoting the welfare of animals and the prevention of unnecessary suffering by animals and also empowers the Economic Development Committee to require certain commercial establishments and animal sanctuaries to obtain a licence under the provisions contained in Part 3 of the draft Law.

## Protection and welfare of animals

There is, in general, an increased awareness of Animal Welfare issues in modern society. Animal Welfare is now generally considered to have priority over commercial and economic issues and some previously accepted practices, now perceived as causing Animal Welfare problems, are no longer tolerated. Improving the living conditions of animals and the way in which we interact with the animals, is seen as an important part of the future improvement to animal welfare. The proposals contained in this Law reflect much of the current thinking in regard to protection and welfare of animals across the whole of Europe.

In Part 2 of the Animal Welfare (Jersey) Law 200, offences against animals are more clearly defined. Those who interact with animals, whether as pet-owners or on a commercial basis, will be more certain of those actions which constitute an offence under the Law. The outcome will be that any prosecution under the Law will have reference to improved and more clearly defined criteria pertaining to the cruelty and suffering of animals.

A licensing regime will be introduced under Part 3 of the draft Law. This will affect all businesses and other establishments involved in the keeping or care of animals, including animal sanctuaries.

In order to allow for presently available resources to be able to cope with licensing procedures, it is proposed that the licensing of establishments referred to under Articles 14 and 15 of the draft Law will be carried out in a phased manner, over a maximum of 24 months.

In Part 5 of the draft Law, the Economic Development Committee will have the power to issue Welfare Codes for animals (Article 36). Welfare Codes have been prepared for many types of animal and are available from the Department of Agriculture and Fisheries. Often referred to as “Codes of Practice”, the Welfare Codes can be used as evidence in a prosecution under the Law.

The Economic Development Committee is indebted to the members of the Animal Welfare Panel and all who have participated in the preparation of the draft Law. Members of the Panel and others with an interest in Animal Welfare have contributed to the production of both the draft Law and Welfare Codes, by giving freely of their time and expertise to the process.

## Statement of financial and manpower implications

There are no immediate financial or manpower implications arising from the adoption of the draft Law by the

States. By phasing licensing of establishments over a maximum of 24 months, the required manpower can be met from the existing resources and any costs associated with the introduction of a licensing scheme will be recovered from license fees.

### **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 4th June 2003 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 (Jersey) Law 200- are compatible with the Convention Rights.

## Explanatory Note

---

This draft Law consolidates and revises the laws promoting the welfare of animals and the prevention of unnecessary suffering by animals, and establishes a new regime to regulate the keeping and use of animals.

*Part 1* contains preliminary provisions.

*Article 1* is the interpretation clause.

*Articles 2 and 3* contain definitions relevant to *Article 11*.

*Part 2* consolidates, revises and adds to the descriptions of acts and omissions which constitute an offence against an animal.

*Article 4* sets out the offences which relate to acts of cruelty and causing unnecessary suffering. Paragraph (1) relates to all animals, whether domestic, captive or wild. The remaining paragraphs relate to animals which are either domestic or captive.

*Article 5* is the offence of neglect or abandonment by the owner or person having care of a domestic or captive animal. The penalty for the offence is a fine not exceeding level 4 on the standard scale.

*Article 6* is the offence of performing an operation on an animal without due care and humanity. Operating without administering an anaesthetic so as to prevent pain will be such an offence although *Schedule 1* describes operations which may be performed without anaesthetic. The Economic Development Committee ('the Committee') is given power to amend *Schedule 1* by Order.

*Article 7* sets out offences relating to the use of poisons. It is an offence to use any prohibited poison. It is an offence to use a restricted poison otherwise than in accordance with the restrictions applicable to it. It is an offence to give or cause an animal to take any poison without reasonable cause or excuse. The Committee may by Order specify prohibited and restricted poisons.

*Article 8* makes the owner or person having care of an animal criminally liable if that person permits or unreasonably fails to prevent the commission of any of the foregoing offences in respect of the animal.

*Article 9* creates 2 defences to a charge for an offence under *Part 2*. There is an exception for any act made lawful under *Article 11* and an exception for acts or omissions in the course of destruction of domestic or captive animals for food, provided that the destruction does not involve unnecessary suffering.

*Article 10* makes it an offence for a person to take part, in any way, in arranging animal fights or events where captive animals are released for the purpose of being shot.

*Article 11* prohibits the carrying out of restricted procedures, being experimental or scientific procedures, except under licence. The States are given power to make Regulations establishing a licensing scheme, for which the Committee would be the licensing authority.

*Article 12* imposes a penalty of up to 12 months' imprisonment and/or a fine up to level 4 on the standard scale for any offence under *Part 2*, other than an offence under *Article 5*.

*Part 3* establishes a new regime for the regulation of businesses and other establishments involving the keeping or care of animals.

*Article 14* makes it an offence, in the course of carrying on any business, to undertake any activity falling within paragraph (2) without a licence granted by the Committee. The penalty for the offence is a fine up to level 4 on the standard scale. The States are given power to amend paragraph (2) by Regulations.

*Article 15* relates to undertakings which are not run as a business (that is to say, with a view to profit) described, for the purposes of the Law, as animal sanctuaries. It makes it an offence for a person to regularly receive into his or her care any domestic or captive animals which are unwanted, abandoned or otherwise homeless, or to receive any other animals, without a licence granted by the Committee. The penalty for the offence is a fine up to level 4 on the standard scale.

*Article 16* enables the Committee, by Order, to exempt specified descriptions or classes of business or animal sanctuary from the requirement for a licence.

*Articles 17 to 21* make provision for the grant, variation, revocation or suspension of licences, and for appeals to the Royal Court against decisions of the Committee in respect of licences.

*Article 22* enables the Committee to authorize veterinary surgeons or other persons experienced in animal welfare to inspect premises which are licensed or the subject of a licence application. Authorized persons are referred to as inspectors.

*Article 23* enables the Committee to recover from an applicant for a licence or from a licensee the reasonable costs of any inspection under *Article 22*.

*Article 24* makes it an offence by the licensee if the terms of the licence are contravened or not complied with and the licensee did not take reasonable precautions and exercise due diligence to avoid the commission of the offence. The penalty for the offence is a fine up to level 4 on the standard scale.

*Article 25* makes it an offence to give false information in connection with an application for any licence granted under the Law. The penalty for the offence is a fine up to level 4 on the standard scale.

*Part 4* creates powers connected with the commission of offences and creates further offences.

*Article 26* empowers the Bailiff or a Jurat, if there are grounds for believing that an offence under the Law has been or is being committed, to issue a warrant authorizing any police officer and the Veterinary Officer (who is appointed by the Committee) or an inspector to enter premises and examine and test any animal or place where an animal is kept. Once on premises, if it appears to the Veterinary Officer or inspector that an animal is being or is likely to be caused suffering, that person may remove the animal or require the owner or person in charge to take steps to mitigate the suffering.

*Article 27* empowers the Veterinary Officer or an inspector to seize and take an animal that he or she finds in a public place or on premises entered pursuant to a warrant issued under *Article 26*, if that person has cause to believe that an offence has been or is being committed against the animal.

*Article 28* provides for the recovery of expenses incurred in the veterinary treatment of an animal removed or seized under *Article 26* or *27*.

*Article 29* confers powers on a court pending the outcome of proceedings for an offence under *Part 2* of this Law. The powers apply only where the accused is the owner of the animal in respect of which the offence is alleged to have been committed and the animal is kept for business purposes. The court may, by order, in the interests of the welfare of the animal, authorize the Attorney General to take charge of and care for the animal, sell or otherwise dispose of the animal or arrange for the animal to be slaughtered. The Attorney General may recover expenses incurred from the owner but, if the animal is sold or slaughtered, the owner must be paid the net proceeds.

*Article 30* confers powers on a court on a conviction under this Law. The court may deprive an owner convicted of an offence under *Part 2* of ownership of the animal to which the offence relates, if satisfied that the animal would otherwise be exposed to further cruelty or unnecessary suffering. The court may disqualify any person convicted of an offence under *Part 2* for keeping the animal to which the offence relates, or for keeping or having custody of specified animals. The court may cancel any dog licence, licence under the Dangerous Wild Animals (Jersey) Law 1999 or licence under this Law held by a person convicted of any offence under this Law and disqualify the offender for holding all or any of those licences for a specified period of time. The court may order the destruction of an animal in respect of which the owner is convicted of any offence under this Law, if it would be cruel to keep the animal alive. The costs of destruction may be recovered from the owner.

*Article 31* enables the court to suspend a disqualification order in order to enable the offender to make arrangements for the custody of any animal affected by it or pending an appeal. A person who has been disqualified may, after 12 months and thereafter at 6 monthly intervals, apply for removal of the disqualification order. A person who contravenes a disqualification under *Article 30* commits an offence and is liable to up to 3 months' imprisonment and/or a fine up to level 3 on the standard scale.

*Article 32* makes it an offence to be present at, or advertise, an animal fight. The penalty for the offence is a fine not exceeding level 3 on the standard scale.

*Article 33* makes it an offence to intentionally obstruct another person exercising a power of entry, inspection, test or seizure conferred by the Law or powers conferred by an order under *Article 29*. The penalty for the offence is imprisonment for up to 6 months and/or a fine up to level 4 on the standard scale.

*Articles 34 and 35* are the standard provisions for the liability, as principal offenders, of officers of bodies corporate and partnerships and of aiders and abettors.

*Part 5* contains miscellaneous and supplemental provisions.

*Article 36* confers a discretion on the Committee to issue codes of guidance on good practice in keeping animals.

Any code must be made available to the public free of charge. Failure to follow any code will not constitute a criminal offence but may be produced in evidence and if relevant, shall be taken into account.

*Article 37* empowers the Veterinary Officer to cause the destruction of any animal which is so injured or sick that it would be cruel to keep it alive.

*Articles 38 and 39* amend, respectively, the Animals (Trapping) (Jersey) Law 1961 and the Conservation of Wildlife (Jersey) Law 2000. The 1961 Law prohibits the use of traps, other than approved traps. The amendment extends the power for the Economic Development Committee, by Order, to disapply the Law to traps of a specified kind and restates that Committee's power, by Order, to approve traps subject to conditions as to their use. The amendment to the 2000 Law re-enacts the offence of keeping any bird in a cage that is too small. Currently, the offence may be found in the Protection of Birds (Jersey) Law 1961, which is repealed by this draft Law.

*Article 40* requires any notice under the Law to be in writing and makes provision for the manner of its delivery.

*Article 41* makes provision ancillary to the various Order and Regulation making powers under the Law.

*Article 42* repeals the Laws listed in *Schedule 2*.

*Article 43* is the citation and commencement provision.

*Schedule 1* lists operations that may be carried out on animals without an anaesthetic.

*Schedule 2* lists Laws repealed by this Law.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1994, level 1 is £50, level 2 is £500, level 3 is £2,000 and level 4 is £5,000.







Jersey

# DRAFT ANIMAL WELFARE (JERSEY) LAW 200-

## Arrangement

---

### Article

#### **PART 1**

---

##### PRELIMINARY

- 1        Interpretation
- 2        Meaning of “protected animal”
- 3        Meaning of “restricted procedure”

#### **PART 2**

---

##### OFFENCES AGAINST ANIMALS

- 4        Cruelty and unnecessary suffering
- 5        Neglect and abandonment
- 6        Performance of operations
- 7        Use of poisons
- 8        Liability of owner or person having care of animal
- 9        Defences
- 10       Animal fights and shooting events
- 11       Prohibition of restricted procedures
- 12       General penalty for offences under Part 2

#### **PART 3**

---

##### LICENSING

- 13       Interpretation of Part 3
- 14       Businesses and use of animals
- 15       Animal sanctuaries
- 16       Exemptions
- 17       Application for licence
- 18       Grant of licence
- 19       Amendment or addition of condition of licence
- 20       Revocation and suspension of licence
- 21       Appeals
- 22       Inspections
- 23       Recovery of inspection costs
- 24       Offence of failing to comply with licence
- 25       Offence of providing false information in connection with licence

#### **PART 4**

---

## ENFORCEMENT AND FURTHER OFFENCES

- 26      Entry by warrant where offence suspected
- 27      General power of seizure
- 28      Recovery of expenses incurred under Article 26 or 27
- 29      Powers of court after charge
- 30      Powers of court on conviction
- 31      General provisions as to disqualification
- 32      Offences connected with animal fights
- 33      Offence of obstruction
- 34      Offence committed by body corporate etc.
- 35      Offence of aiding or abetting, etc.

## **PART 5**

---

### MISCELLANEOUS AND SUPPLEMENTAL

- 36      Welfare codes
- 37      Power of Veterinary Officer to destroy animal
- 38      Animals (Trapping) (Jersey) Law 1961 amended
- 39      Conservation of Wildlife (Jersey) Law 2000 amended
- 40      Notices
- 41      Orders
- 42      Repeals
- 43      Citation and commencement

## **SCHEDULE 1**

---

### OPERATIONS WHICH MAY BE PERFORMED WITHOUT ANAESTHETIC

## **SCHEDULE 2**

---

### REPEALS





Jersey

## **DRAFT ANIMAL WELFARE (JERSEY) LAW 200-**

**A LAW** to consolidate and revise the laws promoting the welfare of animals and the prevention of suffering by animals, to regulate the keeping and use of animals, and for connected purposes.

---

*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* [date to be inserted]

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

---

### **PART 1**

#### **PRELIMINARY**

#### **1 Interpretation**

(1) In this Law, unless the context requires otherwise –

“animal” means any amphibian, bird, fish, mammal or reptile;

“captive animal” means any animal (not being a domestic animal) which is kept by man in a state of captivity or confinement;

“Committee” means the Economic Development Committee;

“domestic animal” means any cat, cattle, dog, goat, horse, pig, poultry or sheep and any other animal of whatever kind or species which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

“horse” includes ass, donkey, mule and hinny;

“inspector” means a person authorized as such pursuant to Article 22(1);

“land” includes water;

“operation” means any operation, with or without the use of instruments, which involves interference with the sensitive tissues or the bone structure of an animal;

“owner”, in relation to any land or premises, means the person having the enjoyment thereof, either as owner or usufructuary owner or in the exercise of rights of dower, “franc veuvage”, seigniorialty or otherwise and includes the authorized agent of such person;

“poison” means any poisonous or noxious substance;

“poultry” means any domestic fowl, duck, goose, guinea fowl, partridge, peafowl, pheasant, pigeon, quail or turkey;

“premises” includes land;

“prescribed” means prescribed by Order of the Committee;

“protected animal” has the meaning given in Article 2;

“restricted procedure” has the meaning given in Article 3;

“sale” includes barter and exchange;

“suffering” includes mental distress;

“Veterinary Officer” has the same meaning as in the Diseases of Animals (Jersey) Law 1956.<sup>[1]</sup>

- (2) In this Law, a reference to the owner or person having care of an animal includes, where that person is less than 16 years old, that person’s parent or, if different, the person having charge of or control over that person.

## **2 Meaning of “protected animal”**

- (1) Subject to this Article, “protected animal” means any living vertebrate other than man.
- (2) Any such vertebrate in its foetal, larval or embryonic form is a protected animal only from the stage of its development when –
  - (a) in the case of a bird, mammal or reptile, half the gestation or incubation period for the relevant species has elapsed; and
  - (b) in any other case, it becomes capable of independent feeding.
- (3) The Committee may by Order –
  - (a) extend the definition of protected animal so as to include invertebrates of any description;
  - (b) alter the stages of development specified in paragraph (2); and
  - (c) make provision in lieu of paragraph (2) as respects any animal which becomes a protected animal by virtue of an Order under sub-paragraph (a).
- (4) For the purposes of this Article, an animal shall be regarded as continuing to live until the permanent cessation of circulation or the destruction of its brain.
- (5) In this Article, “vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and “invertebrate” means any animal not of that Sub-phylum.

## **3 Meaning of “restricted procedure”**

- (1) Subject to this Article, “restricted procedure” means any experimental or other scientific procedure applied to a protected animal which may have the effect of causing that animal pain, suffering, distress or lasting harm.
- (2) An experimental or other scientific procedure applied to an animal is also a restricted procedure if –
  - (a) it is part of a series or combination of such procedures (whether the same or different) applied to the same animal;
  - (b) the series or combination may have the effect mentioned in paragraph (1); and
  - (c) the animal is a protected animal throughout the series or combination or, in the course of it, attains the stage of its development when it becomes such an animal.
- (3) Anything done for the purposes of, or liable to result in, the birth or hatching of a protected animal is also a restricted procedure if it may, as respects that animal, have the effect mentioned in paragraph (1).
- (4) In determining whether any procedure may have the effect mentioned in paragraph (1), the use of an

anaesthetic or analgesic, decerebration and any other procedure applied to such an animal, for the purposes of any experimental or other scientific procedure, shall itself be a restricted procedure.

- (5) The ringing, tagging or marking of an animal, or the application of any other humane procedure for the sole purpose of enabling an animal to be identified, is not a restricted procedure if it causes only momentary pain or distress and no lasting harm.
- (6) The administration of any substance or article to an animal by way of medicinal test on animals as defined in Article 33(4) of the Medicines (Jersey) Law 1995<sup>[2]</sup> is not a restricted procedure if the substance or article is administered in accordance with Article 34 of that Law<sup>[3]</sup> and any Order made under Article 36(8) of that Law.<sup>[4]</sup>
- (7) Killing a protected animal is a restricted procedure only if –
  - (a) it is killed for experimental or other scientific use;
  - (b) the premises or place where it is killed are licensed under Regulations made under Article 11 as premises or a place where restricted procedures may be applied; and
  - (c) the method employed is specified in those Regulations as not appropriate to the animal.
- (8) In this Article, references to a scientific procedure do not include references to any recognized veterinary, agricultural or animal husbandry practice.

## **PART 2**

### **OFFENCES AGAINST ANIMALS**

#### **4 Cruelty and unnecessary suffering**

- (1) It shall be an offence for a person to cruelly beat, kick, cut, impale, burn, stone, crush, drown, drag, asphyxiate, over-drive, overload, over-ride, torture, worry, infuriate, terrify, ill-treat or do any like act to any animal.
- (2) It shall be an offence for a person, without reasonable cause or excuse, to do or omit to do any act so as to cause unnecessary suffering to a domestic animal or captive animal.
- (3) It shall be an offence for a person to convey or carry any domestic animal or captive animal in such manner or position as to cause the animal unnecessary suffering.
- (4) It shall be an offence for a person to tether any domestic animal or captive animal under such conditions or in such manner as to cause the animal unnecessary suffering.
- (5) If, on the trial of the owner or a person having care of a domestic animal or captive animal charged with an offence under paragraph (2), (3) or (4) in respect of that animal, the court or jury, as the case may be, is of the opinion that the accused is not guilty of that offence but is guilty of an offence under Article 5 then, without prejudice to any other powers of the court, the accused may be found guilty of an offence under Article 5.

#### **5 Neglect and abandonment**

- (1) It shall be an offence for the owner or person having care of a domestic animal or captive animal, without reasonable cause or excuse –
  - (a) to omit to supply the animal with –
    - (i) fresh drinking water, and
    - (ii) a wholesome diet appropriate to its species, age, weight and behavioural and physiological needs,

- in sufficient quantity and with sufficient regularity to maintain the animal in good health and promote a positive state of well-being;
- (b) to omit to provide the animal with suitable shelter sufficient to the maintenance of its good bodily condition;
  - (c) to omit to provide the animal with veterinary care sufficient to maintain the animal in good health or, where such maintenance is not possible, to prevent any unnecessary deterioration in the animal's health or any unnecessary suffering; or
  - (d) to abandon or cause or procure the abandonment of the animal, whether permanently or not, in circumstances likely to cause it unnecessary suffering.
- (2) A person guilty of an offence under this Article shall be liable to a fine of level 4 on the standard scale.<sup>[5]</sup>

## **6 Performance of operations**

- (1) It shall be an offence for a person to subject an animal to an operation which is performed without due care and humanity.
- (2) Without prejudice to the generality of paragraph (1), an operation performed on an animal without the use of an anaesthetic so administered as to prevent any pain during the operation is, for the purposes of that paragraph, an operation performed without due care and humanity.
- (3) Paragraph (2) shall not apply to the performance of an operation included in Schedule 1.
- (4) The Committee may by Order –
  - (a) amend Schedule 1; and
  - (b) declare any substance to be a suitable anaesthetic for the purposes of this Article in relation to such animals as may be specified in the Order.

## **7 Use of poisons**

- (1) It shall be an offence for a person to administer to or cause to be taken by an animal –
  - (a) any prohibited poison; or
  - (b) any restricted poison, otherwise than in accordance with the restrictions attached to its use.
- (2) It shall be an offence for a person, without reasonable cause or excuse, to administer to or cause to be taken by an animal any restricted poison (whether or not in accordance with the restrictions attached to its use) or any poison which is neither prohibited nor restricted.
- (3) Where the Committee is satisfied that a poison cannot be used for destroying animals or animals of any description without causing undue suffering and that other suitable methods of destroying them exist and would, in certain circumstances, be adequate the Committee may by Order –
  - (a) prohibit the use of that poison; or
  - (b) restrict the use of that poison for destroying animals or animals of any description, in any specified circumstances,

and any reference in this Article to a prohibited or restricted poison or to the restrictions attached to the use of a poison shall be construed accordingly.

## **8 Liability of owner or person having care of animal**

A person who, being the owner or person having care of an animal, permits any offence under Articles 4 to 7 to be committed in respect of that animal, or unreasonably fails to prevent the commission or continuation of such an offence, shall also be guilty of the offence and liable in the same manner as a principal offender



to the penalty provided for that offence.

## **9 Defences**

Articles 4 to 7 shall not apply to –

- (a) any act made lawful by Regulations made under Article 11; or
- (b) the commission or omission of any act in the course of the destruction of any domestic animal or captive animal as food for mankind, unless the destruction was accompanied by the infliction of unnecessary suffering.

## **10 Animal fights and shooting events**

- (1) It shall be an offence for a person to take part or assist in the fighting or baiting of an animal or to keep, use, manage or act in the management of, any premises used wholly or partly for the purpose of the fighting or baiting of an animal, or to receive money for the admission of any person to such premises.
- (2) It shall be an offence for a person to promote, arrange, conduct, assist in, receive money for or take part in any event whatsoever at which or in the course of which captive animals are liberated by hand or by any other means whatsoever for the purpose of being shot immediately after their liberation or for the owner or occupier of any land, to permit that land to be used for the purpose of such an event.

## **11 Prohibition of restricted procedures**

- (1) It shall be an offence for a person to apply a restricted procedure to any animal, except under the authority of and in accordance with such licence or licences as may be granted for the purpose under paragraph (2).
- (2) The States may by Regulations establish a scheme for the grant and administration of licences by the Committee making lawful the application of restricted procedures to protected animals.
- (3) Without prejudice to the generality of paragraph (2), a scheme for the grant and administration of licences may provide for –
  - (a) the licensing of individuals to apply certain restricted procedures to certain animals;
  - (b) the licensing of programmes of work which may include the application of certain restricted procedures to certain animals; and
  - (c) the licensing of premises or places at which certain restricted procedures may be applied to certain animals.
- (4) Without prejudice to the generality of paragraph (2), a scheme for the grant and administration of licences may include provision –
  - (a) requiring the payment of a fee on an application for and on the grant or renewal of a licence;
  - (b) specifying circumstances in which a licence shall not be granted;
  - (c) specifying conditions which shall be attached to a licence and conferring a discretion on the Committee to attach other conditions to a licence;
  - (d) for the variation of conditions attached to a licence;
  - (e) for the suspension of licences;
  - (f) for the renewal and revocation of licences;
  - (g) requiring holders of licences to make returns of information to the Committee;
  - (h) empowering persons authorized by the Committee to enter and carry out inspections of premises, places and facilities at which any restricted procedure is applied to an animal and to carry out tests on such animals; and

- (j) for the recovery of expenses incurred by the Committee in obtaining inspections, tests and reports for the purpose of determining an application for a licence or for the purpose of monitoring the application of restricted procedures to animals under authority of a licence and arrangements for the keeping of such animals.
- (5) A scheme for the grant and administration of licences shall confer a right of appeal against any decision of the Committee, made in the exercise of a discretion conferred on it under the scheme, to refuse to grant or renew a licence, to attach conditions to a licence or vary such conditions or to suspend or revoke a licence.
- (6) The conditions that shall or may be attached to a licence may include provisions regulating the further use or disposal of an animal to which a restricted procedure has been applied.

## **12 General penalty for offences under Part 2**

A person guilty of an offence under this Part, other than an offence under Article 5, shall be liable to imprisonment for a term of 12 months and a fine of level 4 on the standard scale.<sup>[6]</sup>

## **PART 3**

### **LICENSING**

## **13 Interpretation of Part 3**

In this Part, “licence” means a licence granted under Article 18 and “licensee” shall be construed accordingly.

## **14 Businesses and use of animals**

- (1) It shall be an offence for a person, in the course of carrying on a business, to undertake any one or more of the activities described in paragraph (2) otherwise than with the authority of and in accordance with a licence.
- (2) The activities are –
  - (a) the keeping of 3 or more female cats, dogs, guinea pigs, horses or rabbits at any premises (including a private dwelling) for the purpose of breeding for sale, whether by the person commencing or carrying on the business or any other person;
  - (b) the provision, for reward, of accommodation for other people’s dogs or cats at any premises (excluding a private dwelling, unless the dogs or cats are accommodated only in any yard, garden, garage, outhouse or other appurtenance forming part of the dwelling);
  - (c) the grooming, for reward, of other people’s animals at any premises (including a private dwelling), whether or not the animals are kept at those premises;
  - (d) the sale, from premises other than a private dwelling, of animals wholly or mainly for domestic purposes or the keeping of animals, at premises other than a private dwelling, with a view to such sale, whether by the person carrying on the business or any other person;
  - (e) the keeping or use of any animal wholly or mainly for the purpose of performing tricks or manoeuvres for reward for the entertainment of the public;
  - (f) the keeping of animals wholly or mainly for the purpose of exhibition to the public at any premises to which members of the public have access, with or without charge for admission, on 7 days or more in any period of 12 consecutive months.
- (3) A person guilty of an offence under paragraph (1) shall be liable to a fine of level 4 on the standard

scale.<sup>[7]</sup>

- (4) The States may by Regulations amend paragraph (2).

## **15 Animal sanctuaries**

- (1) It shall be an offence for a person to establish or keep an animal sanctuary, except under the authority of a licence.
- (2) For the purposes of paragraph (1), a person establishes or keeps an animal sanctuary if that person regularly receives into his or her care –
  - (a) domestic animals or captive animals which are or appear to be unwanted or to have been lost or abandoned by their owner or which can no longer be kept by their owner; or
  - (b) any other animals,for the purpose of their temporary or permanent accommodation at any premises (including a private dwelling), whether with or without the provision of any treatment.
- (3) A person guilty of an offence under paragraph (1) shall be liable to a fine of level 4 on the standard scale.<sup>[8]</sup>

## **16 Exemptions**

- (1) Article 14(1) shall not apply to a person commencing or carrying on a business of a description or class that has been exempted by Order of the Committee.
- (2) Article 15(1) shall not apply to a person establishing or keeping an animal sanctuary of a description or class that has been exempted by Order of the Committee.

## **17 Application for licence**

- (1) An application for a licence shall be –
  - (a) made to the Committee;
  - (b) in such form and contain such information as the Committee may require; and
  - (c) accompanied by such further information as the Committee may require and such fee as may be prescribed.
- (2) An applicant shall give notice of the application to such persons, in such manner and at such times, as the Committee may require.
- (3) A person shall not be capable of applying for a licence if that person is disqualified under Article 30 or any other enactment for keeping an animal or for holding any licence mentioned in that Article.

## **18 Grant of licence**

- (1) The Committee may grant a licence to authorize –
  - (a) the undertaking, in the course of carrying on a business, of any of the activities described in Article 14(2); or
  - (b) the establishment or keeping of an animal sanctuary, within the meaning of Article 15.
- (2) A licence may be granted for a specified period of time and subject to conditions, including, but not by way of limitation, conditions restricting the licensed activity to any specified animal, to specified numbers and descriptions of animals and to specified premises.

## **19 Amendment or addition of condition of licence**

- (1) The Committee may, on its own initiative, or on the application of the licensee, amend or revoke a condition of a licence or add a condition to a licence.
- (2) Before amending or adding a condition on its own initiative, the Committee shall give the licensee notice of the proposal and the reasons for it.
- (3) If, within the period of 28 days beginning with the day on which the Committee gives notice of the proposal, the licensee gives notice to the Committee that he or she wishes to make representations about the proposal, the Committee shall, before amending or adding any condition, give the licensee the opportunity to make representations.
- (4) The amendment or addition of a condition shall not take effect in any case before the Committee has given the licensee notice of it.
- (5) Where the Committee has made the amendment or addition on its own initiative, the Committee shall allow the licensee a reasonable time to comply with it.

## **20 Revocation and suspension of licence**

- (1) Where the Committee proposes to revoke a licence, the Committee shall give notice of the proposal and the reasons for it to the licensee.
- (2) If, within the period of 28 days beginning with the day on which the Committee gives notice of the proposal, the licensee gives notice to the Committee that he or she wishes to make representations about the proposal, the Committee shall, before revoking the licence, give the licensee the opportunity to make representations.
- (3) Notwithstanding paragraphs (1) and (2), the Committee may –
  - (a) suspend a licence with immediate effect where it appears to the Committee that animals kept or used by the licensee under the licence are suffering or that, without such suspension, there is a serious risk that such animals would suffer; and
  - (b) give such directions as may be necessary to ensure the welfare of those animals during the period of suspension.

## **21 Appeals**

- (1) The following persons shall have a right of appeal to the Royal Court under this Law –
  - (a) an applicant for a licence, against a refusal by the Committee to grant a licence, or a refusal by the Committee to grant a licence for a particular activity or for a particular period of time;
  - (b) an applicant for a licence, against any condition imposed by the Committee on the grant of his or her licence;
  - (c) a licensee, against a refusal of the Committee to amend or revoke a condition of his or her licence on the licensee's application;
  - (d) a licensee, against the amendment or imposition of a condition of his or her licence by the Committee on its own initiative;
  - (e) a licensee, against the revocation of his or her licence by the Committee;
  - (f) a licensee, against the suspension of his or her licence.
- (2) An appeal shall be brought within 21 days after the appellant is served by the Committee with a written copy of the decision to which the appeal relates, or within such further time as the Royal Court may allow.
- (3) The lodging of an appeal shall not operate to stay the effect of the decision of the Committee,

pending the determination of the appeal, unless the Court so orders.

## **22 Inspections**

- (1) The Committee may authorize, in writing, any veterinary surgeon or other person appearing to the Committee to have suitable experience relating to animal welfare to be an inspector for the purposes of this Law.
- (2) An inspector may, on producing his or her authority if so required –
  - (a) enter premises to which an application for a licence relates and inspect the premises and any equipment and animals to which the application relates, for the purpose of reporting to the Committee upon the application; and
  - (b) enter premises to which a licence relates –
    - (i) pursuant to any condition of the licence for the inspection of the premises and any equipment and animals to which the licence relates, or
    - (ii) for the purpose of reporting to the Committee upon any proposed variation, suspension or revocation of the licence.
- (3) Where the licence or application for a licence relates to a dwelling, the inspector may enter and inspect only so much of the dwelling as is used for or in connection with the activity licensed or to be licensed.
- (4) The powers conferred by this Article may be exercised at any reasonable time or, in an emergency, at any time.

## **23 Recovery of inspection costs**

- (1) The Committee may require an applicant for a licence or a licensee to pay the reasonable costs of the exercise of any power under Article 22 in respect of the application or licence.
- (2) Any amount that the Committee may require to be paid under this Article may be recovered by it in any court of competent jurisdiction as a civil debt.
- (3) The Committee may refuse to consider an application further until any fee required to accompany the application and any amount owing under this Article in respect of the application are paid.

## **24 Offence of failing to comply with licence**

- (1) A licensee shall be guilty of an offence if –
  - (a) any condition of his or her licence is contravened or not complied with; and
  - (b) the licensee did not take all reasonable precautions and exercise due diligence to avoid such contravention or non-compliance.
- (2) A person guilty of an offence under this Article shall be liable to a fine of level 4 on the standard scale.<sup>[9]</sup>

## **25 Offence of providing false information in connection with licence**

A person who, in or in connection with an application for any licence, makes any material statement or provides any material information that the person does not believe to be true shall be guilty of an offence and liable to a fine of level 4 on the standard scale.<sup>[10]</sup>

# **PART 4**

## ENFORCEMENT AND FURTHER OFFENCES

### 26 Entry by warrant where offence suspected

- (1) If it appears to the Bailiff or a Jurat on information on oath laid by a police officer, the Veterinary Officer or an inspector that there are reasonable grounds for believing that an offence under this Law has been or is being committed against or in respect of any animal, the Bailiff or a Jurat may issue a warrant in accordance with paragraphs (2) to (4).
- (2) Where a police officer applies for a warrant, the warrant –
  - (a) may be executed by any police officer; and
  - (b) shall require the police officer to be accompanied by the Veterinary Officer or an inspector.
- (3) Where the Veterinary Officer or an inspector applies for a warrant, the warrant shall require the Veterinary Officer or inspector to be accompanied by a police officer.
- (4) A warrant shall authorize –
  - (a) a police officer and the Veterinary Officer or an inspector to enter, at any time and by force if necessary, any premises where the offence appears to be taking or to have taken place;
  - (b) the Veterinary Officer or an inspector to examine and test any animal found on the premises; and
  - (c) a police officer and the Veterinary Officer or an inspector to examine and test any place where the animal is kept.
- (5) If the Veterinary Officer or an inspector, whilst on premises which that person has entered under the authority of a warrant issued under paragraph (1), is satisfied that suffering is being or is likely to be caused to any animal by reason of any act, omission or neglect, the Veterinary Officer or inspector may personally take, or require the owner or person having or appearing to have care of the animal to take, such steps as he or she considers necessary to prevent or mitigate the suffering of that animal.
- (6) A person who wilfully fails to comply with a requirement to take steps under paragraph (5) shall be guilty of an offence and liable to a fine of level 3 on the standard scale. [\[11\]](#)

### 27 General power of seizure

The Veterinary Officer or an inspector who finds in any public place, or on premises which that person has entered under the authority of a warrant issued under Article 26, any animal against or in respect of which that person has reasonable cause to believe that an offence under this Law has been or is being committed, may seize the animal and remove it to a place of safe custody and there hold it until any proceedings brought in respect of the offence are completed or the court, during the course of such proceedings, orders otherwise or it is decided that no such proceedings shall be brought.

### 28 Recovery of expenses incurred under Article 26 or 27

Any expenses reasonably incurred under Article 26(2) or Article 27 by the Veterinary Officer or an inspector, including in any case the cost of any veterinary treatment reasonably required in respect of any animal, shall be recoverable –

- (a) from the owner or person having or appearing to have care of the animal, as a civil debt; or
- (b) if a person is convicted of an offence under this Law against or in respect of that animal, from that person, as costs of the prosecution.

### 29 Powers of court after charge

- (1) This Article applies where the owner of animals kept by the owner for the purposes of a business has been charged with an offence under Part 2 in respect of those animals and the proceedings in respect of the offence have not yet been completed.
- (2) If, on the application of the Attorney General, it appears to the court from evidence given by a veterinary surgeon that it is necessary in the interests of the welfare of the animals in question for the Attorney General to do one or more of the things mentioned in paragraph (3), the court may make an order authorizing the Attorney General to do so.
- (3) Those things are –
  - (a) taking charge of the animals and caring for them or causing or procuring them to be cared for on the premises on which they are kept or at some other place;
  - (b) selling the animals at a fair price;
  - (c) disposing of the animals otherwise than by way of sale;
  - (d) causing the animals to be slaughtered.
- (4) In determining what to authorize by order, the court shall have regard to all the circumstances, including the desirability of protecting the owner's interest in the value of the animals and avoiding an increase in the owner's costs.
- (5) An order under this Article shall cease to have effect on the discontinuance or other disposal of the proceedings for the offence.
- (6) The fact that an order ceases to have effect shall not affect anything done before or pursuant to a contract entered into before that occurrence.
- (7) Where the Attorney General –
  - (a) has given notice to the court of his or her intention to apply for an order under this Article; and
  - (b) is of the opinion that the animals need to be marked for identification purposes,a person authorized by the Attorney General may enter the premises on which the animals are kept and mark them for those purposes.
- (8) Where an order is made under this Article, a person authorized by the Attorney General may –
  - (a) enter the premises on which the animals are kept for the purpose of exercising the powers conferred by the order;
  - (b) mark the animals (whether by the application of an ear tag or by any other means); and
  - (c) in the case of an order making any provision mentioned in paragraph (3)(a), make use for that purpose of any equipment on the premises.
- (9) Nothing in paragraphs (7) and (8) authorizes a person to enter a dwelling.
- (10) A person entering premises in the exercise of powers conferred by paragraphs (7) and (8) must, if so required by the owner or occupier or person in charge of the premises –
  - (a) produce some duly authenticated document showing that he or she is authorized by the Attorney General to enter the premises; and
  - (b) state in writing the reasons for entering the premises.
- (11) Where an order is made under this Article –
  - (a) the Attorney General shall be entitled to be reimbursed for any reasonable expenses the Attorney General has incurred in the exercise of powers conferred by virtue of the order; and
  - (b) subject to sub-paragraph (a), in the case of an order making any provision mentioned in paragraph (3)(b), (c) or (d), the Attorney General must pay to the owner the proceeds, if any, of the sale, disposal or slaughter of the animals.
- (12) The Attorney General may recover as a civil debt from the owner any amount for which the Attorney General is entitled to be reimbursed under paragraph (11).

- (13) Where –
- (a) an order is made under this Article makes any provision mentioned in paragraph (3)(b), (c) or (d); and
  - (b) the owner has in his or her possession or under his or her control documents which are relevant to the condition or value of the animal,
- the owner must, as soon as is practicable and, in any event, within 10 days of the making of the order, deliver those documents to the Attorney General.
- (14) If the owner, without reasonable excuse, fails to deliver any documents as required by paragraph (13), the owner shall be guilty of an offence and liable to a fine of level 3 on the standard scale. <sup>[12]</sup>
- (15) In this Article, “owner” means the owner against whom the proceedings were brought.

### **30 Powers of court on conviction**

- (1) On the conviction of the owner of an animal of an offence under Part 2 against that animal the court if satisfied that the animal, if left with the owner, is likely to be exposed to further cruelty or unnecessary suffering, may order that the owner be deprived of the ownership of the animal and may make such order as to the disposal of the animal as it thinks fit under the circumstances.
- (2) A court before which a person is convicted of an offence under Part 2 against an animal may, in addition to any other penalty, order that person to be disqualified, for such period as it thinks fit, for keeping or otherwise having care of, in all circumstances or in such circumstances as it may specify, that animal, such animals of a description or kinds as it may specify or any animal.
- (3) Where a person is convicted of an offence under this Law the court by or before which that person is convicted may –
  - (a) cancel any licence held by that person under this Law or under the Dogs (Jersey) Law 1961 <sup>[13]</sup> or the Dangerous Wild Animals (Jersey) Law 1999; <sup>[14]</sup> and
  - (b) whether or not that person is the holder of such a licence, disqualify that person for holding any licence under this Law and under either or both of the aforementioned Laws for such period as the court thinks fit.
- (4) A court which has ordered the cancellation of a person’s licence or a person’s disqualification may, if it thinks fit, suspend the operation of the order pending an appeal.
- (5) Where the owner of an animal is convicted of an offence under this Law against or in respect of that animal the court may, if satisfied on the evidence of a veterinary surgeon, that it would be cruel to keep the animal alive, order the destruction of the animal and, for that purpose, assign the animal to any suitable person.
- (6) A person to whom an animal is assigned pursuant to paragraph (5) shall, as soon as practicable, destroy the animal or cause or procure its destruction in his or her presence, without unnecessary suffering, and dispose of the carcass as ordered by the court.
- (7) Any expenses reasonably incurred in destroying an animal pursuant to paragraph (5) shall be payable by the owner and recoverable from the owner as a civil debt.

### **31 General provisions as to disqualification**

- (1) A court which has ordered the disqualification of a person under Article 30 for keeping an animal or holding a licence may, if it thinks fit, suspend the operation of the order –
  - (a) for such period as it thinks necessary for enabling arrangements to be made for the custody of any animal to which the disqualification relates; or



- (b) pending an appeal.
- (2) A person who is disqualified for keeping an animal or holding a licence by virtue of an order made under Article 30 may, at any time after the expiry of 12 months from the date of the order and subject to paragraph (4), after that from time to time, apply to the court which made the order to remove the disqualification.
- (3) At the hearing of an application for removal of disqualification the court may, as it thinks fit, having regard to the character of the applicant, the applicant's conduct since the making of the order, the nature of the offence of which the applicant was convicted and any other circumstances of the case –
  - (a) direct that, as from the date specified in the direction, the disqualification be removed or the order be so varied as to apply only to animals or licences, as the case may be, of a kind specified in the direction; or
  - (b) refuse the application.
- (4) Where, on an application for removal of disqualification, the court directs the variation of the disqualification order or refuses the application, the person who is disqualified may not make a fresh application for removal within the period of 6 months after the date of the direction or refusal.
- (5) A person who, in contravention of an order made under Article 30, keeps or otherwise has care of an animal or obtains any licence, shall be guilty of an offence and liable to imprisonment for a term of 3 months and to a fine of level 3 on the standard scale.<sup>[15]</sup>

### **32 Offences connected with animal fights**

- (1) It shall be an offence for a person to be present, without reasonable excuse, when domestic animals or captive animals are placed together for the purpose of their fighting each other.
- (2) It shall be an offence for a person to publish or cause to be published an advertisement for a fight between domestic animals or captive animals, knowing that it is such an advertisement.
- (3) A person guilty of an offence under this Article shall be liable to a fine of level 3 on the standard scale.<sup>[16]</sup>

### **33 Offence of obstruction**

A person who intentionally and without reasonable excuse obstructs another person exercising or attempting to exercise any power of entry, inspection, test or seizure conferred by or under this Law or any power conferred by an order made under Article 29 shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 4 on the standard scale.<sup>[17]</sup>

### **34 Offence committed by body corporate etc.**

- (1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body, or (in either case) any person purporting to act in any such capacity, the person shall be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply 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.

**35 Offence of aiding or abetting, etc.**

Any person who aids, abets, causes, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

**PART 5**

**MISCELLANEOUS AND SUPPLEMENTAL**

**36 Welfare codes**

- (1) The Committee may issue codes for the purpose of providing guidance on good practice in the keeping of any animal in any circumstances or for any purpose.
- (2) The Committee shall cause any code issued under paragraph (1) to be printed and made available to the public free of charge.
- (3) A failure on the part of any person to follow any guidance contained in a code issued under paragraph (1) shall not of itself render that person liable to proceedings of any kind.
- (4) In all criminal proceedings, a code issued under paragraph (1) shall be admissible in evidence, and if any provision of such a code appears to the court conducting the proceedings to be relevant to any question arising in the proceedings, it shall be taken into account in determining that question.

**37 Power of Veterinary Officer to destroy animal**

- (1) If the Veterinary Officer finds or there is brought to the Veterinary Officer an animal, not being an animal to which Article 5(2) of the Slaughter of Animals (Jersey) Law 1962<sup>[18]</sup> applies, which is so injured or sick that, in the Veterinary Officer's opinion, it would be cruel to keep it alive, the Veterinary Officer shall, if its owner is not known or is absent or cannot be found within a reasonable time or refuses to consent to its destruction, forthwith destroy the animal or cause or procure its destruction and dispose of the carcass or cause or procure its disposal in such manner as the Veterinary Officer thinks fit.
- (2) The Veterinary Officer shall not be subject to any civil or criminal liability in respect of any action taken under paragraph (1) unless he or she has acted in bad faith or without reasonable care.

**38 Animals (Trapping) (Jersey) Law 1961 amended**

In the Animals (Trapping) (Jersey) Law 1961 –

- (a) in Article 1,<sup>[19]</sup> for the definition “approved trap” there shall be substituted the following definition –  
“ ‘approved trap’ and any reference to the animals or circumstances for which a trap is approved shall be construed in accordance with Article 2(2);”;
- (b) in Article 2(1)(b),<sup>[20]</sup> the words “with a view to its being used for a purpose which is unlawful under this Article” shall be deleted;
- (c) for Article 2(2)<sup>[21]</sup> there shall be substituted the following paragraphs –
  - “(2) The Committee may by Order approve traps of a prescribed type and make, either for general use or subject to conditions as to the animals for which and the circumstances in which a trap may be used.

- (2A) Paragraph (1) shall not apply –
  - (a) to a trap of a description specified by Order of the Committee; or
  - (b) to a person acting with authority of and in accordance with a licence granted under paragraph (2B).
- (2B) The Committee may by Order establish a scheme for the grant of licences –
  - (a) authorizing the use, the sale or exposure or offer for sale or the possession of a traps of a specified type and make;
  - (b) either to persons of a class or to particular persons;
  - (c) subject to compliance with any specified conditions;
  - (d) subject to their modification or revocation by the Committee at any time; and
  - (e) subject to the payment of a fee to the Committee upon such grant.”.

### 39 Conservation of Wildlife (Jersey) Law 2000 amended

In the Conservation of Wildlife (Jersey) Law 2000, after Article 12<sup>[22]</sup> there shall be inserted the following Article –

#### “12A Protection of caged birds

- (1) It shall be an offence for a person to keep or confine any bird or birds in a cage or other receptacle which is not sufficient in height, length and breadth to permit that bird to stretch both its wings freely or, as the case may be, to permit those birds, at the same time, to stretch both their wings freely, except while that bird or those birds are –
  - (a) in the course of conveyance;
  - (b) being shown for the purposes of any public exhibition or competition, if the time during which the bird or birds are kept or confined for those purposes does not, in the aggregate, exceed 72 hours; or
  - (c) undergoing treatment by a veterinary surgeon.
- (2) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 12 months and to a fine of level 4 on the standard scale.<sup>[23]</sup>”.

### 40 Notices

- (1) A notice given under this Law –
  - (a) shall be in writing; and
  - (b) may be given to the intended recipient –
    - (i) by delivering it to the intended recipient,
    - (ii) by leaving it at the intended recipient’s proper address,
    - (iii) by sending it by post to the intended recipient at that address, or
    - (iv) by sending it to the intended recipient at that address by telex, facsimile or other similar means which produce a document containing the text of the communication.
- (2) A notice may, in the case of a company incorporated in the Island, be given to its secretary and, in the case of any other description of institution, be given to the controller or manager of the institution.
- (3) For the purposes of this Article and Article 12 of the Interpretation (Jersey) Law 1954,<sup>[24]</sup> in its application to this Article, the proper address of any person to whom a notice is to be given shall be

the person's last known address, except that –

- (a) in the case of a body corporate or its secretary, it shall be the address of the registered or principal office of that body in the Island; and
  - (b) in the case of any other description of institution or a person having control or management of its business in the Island, it shall be that of the principal office of the institution in the Island.
- (4) If the person to whom a notice is to be given by the Committee has notified the Committee of an address within the Island, other than that person's proper address within the meaning of paragraph (3), as the one at which that person or someone on that person's behalf will accept such notices, that address shall also be treated for the purposes of this Article and Article 12 of the Interpretation (Jersey) Law 1954<sup>[25]</sup> as that person's proper address.

#### **41 Orders**

The Committee may by Order prescribe anything which shall or may be prescribed under this Law.

#### **42 Repeals**

The enactments listed in column 1 of Schedule 2 are repealed to the extent specified in column 2 of that Schedule.

#### **43 Citation and commencement**

This Law may be cited as the Animal Welfare (Jersey) Law 200- and shall come into force on such day or days as the States may by Act appoint and different days may be appointed on different occasions for different provisions and different purposes.

## **SCHEDULE 1**

(Article 6(3))

### **OPERATIONS WHICH MAY BE PERFORMED WITHOUT ANAESTHETIC**

1. The following operations may be performed without an anaesthetic –
  - (a) the making of injections or extractions by means of a hollow needle;
  - (b) any procedure authorized to be so performed under Article 11;
  - (c) the rendering, in an emergency, of first aid for the purpose of saving life or relieving pain;
  - (d) the amputation of the dew claws of a dog before its eyes are open;
  - (e) the castration of a bull, sheep, goat or pig by using a rubber ring or other device to constrict the flow of blood to the scrotum, if the device is applied during the first week of life;
  - (f) the castration of a bull, sheep or goat by using a scalpel or Burdizzo pliers if the operation is performed before the animal reaches the age of 2 months;
  - (g) the castration of a pig by using a scalpel if the operation is performed before the animal reaches the age of one month;
  - (h) subject to paragraph 2, any minor operation performed by a veterinary surgeon being an operation which, by reason of its quickness and painlessness, is customarily performed without the use of an anaesthetic;
  - (j) subject to paragraph 2, any minor operation, whether performed by a veterinary surgeon or by some other person, being an operation which is not customarily performed only by such a surgeon.
2. Paragraph (1)(h) and (j) shall not, in any circumstances, permit any of the following operations to be performed without an anaesthetic, namely –
  - (a) the castration of a male animal otherwise than in accordance with paragraph 1(e), (f) or (g);
  - (b) the dehorning of bulls, cows, bullocks, heifers, calves, steers, oxen, sheep or goats;
  - (c) the disbudding of calves, except by means of chemical cauterization applied within the first week of life;
  - (d) the docking of lambs' tails by using a rubber ring or other device to constrict the flow of blood to the tail, unless the device is applied within the first week of life; or
  - (e) the docking of a dog's tail.

## SCHEDULE 2

(Article 40)

### REPEALS

<i>1</i>	<i>2</i>
Animals (Anaesthetics) (Jersey) Law 1947 <sup>[26]</sup>	The whole Law.
Protection of Birds (Jersey) Law 1963 <sup>[27]</sup>	The whole Law.
Protection of Birds (Amendment) (Jersey) Law 1972 <sup>[28]</sup>	The whole Law.
Protection of Animals (Jersey) Law 1980 <sup>[29]</sup>	The whole Law.
Subordinate Legislation (Jersey) Law 1960 <sup>[30]</sup>	Paragraph 1(2)(d) of the Schedule.

- 
- [1] *Recueil des Lois, Tome VIII, pages 536 and 537 and Volume 2000, page 897.*
- [2] *Volume 1994-1995, page 480.*
- [3] *Volume 1994-1995, page 481.*
- [4] *Volume 1994-1995, page 484.*
- [5] *Volume 1992-1993, page 437.*
- [6] *Volume 1992-1993, page 437.*
- [7] *Volume 1992-1993, page 437.*
- [8] *Volume 1992-1993, page 437.*
- [9] *Volume 1992-1993, page 437.*
- [10] *Volume 1992-1993, page 437.*
- [11] *Volume 1992-1993, page 437.*
- [12] *Volume 1992-1993, page 437.*
- [13] *Volume 1961-1962, page 351, Volume 1966-1967, page 723 and Volume 2003, page 173.*
- [14] *Volume 1999, page 47.*
- [15] *Volume 1992-1993, page 437.*
- [16] *Volume 1992-1993, page 437.*
- [17] *Volume 1992-1993, page 437.*
- [18] *Volume 1961-1962, page 496.*
- [19] *Volume 1961-1962, page 347.*
- [20] *Volume 1961-1962, page 348.*
- [21] *Volume 1961-1962, page 348.*
- [22] *Volume 2000, page 48.*
- [23] *Volume 1992-1993, page 437.*
- [24] *Tome VIII, page 381.*
- [25] *Tome VIII, page 381.*
- [26] *Tome VII, page 380.*
- [27] *Volume 1963-1965, page 117.*
- [28] *Volume 1970-1972, page 379.*
- [29] *Volume 1979-1981, page 309.*
- [30] *Tome VIII, page 849 and Volume 2001, page 4.*