

STATES OF JERSEY

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DRAFT FERTILISERS AND FEEDING STUFFS (AMENDMENT) (JERSEY) LAW 200

**Lodged au Greffe on 8th February 2005
by the Environment and Public Services Committee**

STATES GREFFE



Jersey

DRAFT FERTILISERS AND FEEDING STUFFS (AMENDMENT) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Environment and Public Services Committee has made the following statement –

In the view of the Environment and Public Services Committee the provisions of the Draft Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator P.F.C. Ozouf**

REPORT

A further amendment to the Fertilizers and Feeding Stuffs (Jersey) Law 1950 is required in order to be able to introduce legislation in the Island equivalent to Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22nd May 2001 laying down the rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (e.g. BSE).

Amongst other controls required is the necessity –

1. to ban the feeding of mammalian protein to livestock; and
2. to ban the use of fertilizers containing mammalian meat and bone meal on Agricultural Land.

This draft Law will give effect to the Committee's proposal to ban the use of certain animal proteins as a fertiliser by enabling the Committee to make Orders prohibiting or restricting the importation, exportation, sale or possession with a view to sale or use of such products as a fertilizer or as food for cattle or poultry, and to regulate their marking labelling and packaging. This is part of an initiative to help prevent the spread of BSE. A ban on the actual feeding of certain animal proteins will be dealt with more swiftly by means of the Draft Community Provisions (Animal Feeding) (Jersey) Regulations 200- (P.27/2005). It had been hoped that instead of using 2 separate routes to achieve the Committee's aim, to have dealt with the matter by means of an Order under the Diseases of Animals (Jersey) Law 1956. However, it was discovered that the enforcement powers of the 1956 Law were not sufficiently wide enough to enable this to be done and therefore at the same time the Committee is bringing forward the Diseases of Animals (Amendment No. 6) (Jersey) Law (P.29/2005) which will facilitate a simpler and cheaper method of giving effect to similar restrictions in the future.

The original Agriculture and Fisheries Committee's Act requesting these changes to legislation is dated 10th January 2002 and was submitted to the Law Draftsman's Office on 9th January 2003. Thereafter, it took some months to consider the complexities of the legislative framework and to take advice from the Law Officers' Department, resulting in the proposal for 3 separate pieces of legislation. Final drafts were sent out in March 2004, but delay since has been occasioned by the proposed transfer of functions to the Environment and Public Services Committee, which did not in the event take place until November 2004.

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 3rd February 2005 the Environment and Public Services Committee made the following statement before Second Reading of this *projet* in the States Assembly –

In the view of the Environment and Public Services Committee the provisions of the Draft Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This draft Law enables the Economic Development Committee to make Orders prohibiting or restricting the movement in and out of Jersey, or the sale or possession with a view to sale or the use, of any article that might be contained in fertilisers or animal feedstuffs. Orders may also regulate the marking, labelling and packaging of any prescribed article and the marks to be applied to any container or vehicle carrying it.

There is power for Orders to modify any other provision of the Fertilisers and Feeding Stuffs (Jersey) Law 1950. Contravention of any provision of an Order is an offence carrying a penalty of a fine not exceeding level 4 on the standard scale (currently £5,000) and/or imprisonment for a term not exceeding 3 months.



Jersey

DRAFT FERTILISERS AND FEEDING STUFFS (AMENDMENT) (JERSEY) LAW 200

A LAW to amend further the Fertilisers and Feeding Stuffs (Jersey) Law 1950.

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 –

1 Article 9A inserted

After Article 9 of the Fertilisers and Feeding Stuffs (Jersey) Law 1950^[1] there shall be inserted the following Article –

“9A Composition and content of fertilisers and feeding stuffs

- (1) The Committee may, with a view to controlling in the public interest the composition or content of any article intended for use as a fertiliser of the soil or as food for cattle or poultry, make provision by Order –
 - (a) prohibiting or restricting, by reference to its composition or content, the importation into and exportation from Jersey, the sale or possession with a view to sale, or the use, of any prescribed article;
 - (b) regulating the marking, labelling and packaging of any prescribed article and the marks to be applied to any container or vehicle in which any prescribed article is enclosed or conveyed.
- (2) Orders made under paragraph (1) with respect to any article may include provision excluding or modifying the operation, in relation to that article, of any other provision of this Law.
- (3) Subject to paragraph (2), references in this Law to food for cattle and poultry shall apply to all articles that are intended for sale for use as food for cattle or poultry and with respect to which any Order is for the time being in force under paragraph (1).
- (4) A person who contravenes any provision of an Order made under paragraph (1) shall be guilty of an offence and liable to a fine of level 4 on the standard scale^[2] and to imprisonment for a term of 3 months.”.

2 Citation and commencement

This Law may be cited as the Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200- and shall come into force on the seventh day following its registration.

[1] *Tome VII, page 609.*

[2] *Volume 1992-1993, page 437.*