

**DRAFT DISEASES OF ANIMALS (AMENDMENT No. 5) (JERSEY) LAW 200-**

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**Lodged au Greffe on 11th April 2000  
by the Agriculture and Fisheries Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

180

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### **Explanatory Note**

This draft Law further amends the Diseases of Animals (Jersey) Law 1956 so as to -

- (a) remove the requirement for States' approval of the appointment of the Veterinary Officer;
- (b) revise the powers of the Agriculture and Fisheries Committee to make Orders, in particular, regarding the movement of animals to and from the Island and their welfare in transit; and
- (c) increase the fine which may be imposed for an offence under the Law from level 3 to level 4 on the standard scale and allow the imposition of a greater fine where the offence relates to more than 20 animals or more than a specified weight of matter.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993 level 1 is £50, level 2 is £500, level 3 is £2,000 and level 4 is £5,000.

**DISEASES OF ANIMALS (AMENDMENT No. 5) (JERSEY) LAW 200 -**

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**A LAW** to amend further the Diseases of Animals (Jersey) Law 1956; sanctioned by Order of Her Majesty in Council of the

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_ 200-)

**STATES OF JERSEY**

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The \_\_\_\_\_ day of \_\_\_\_\_ 200-

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

ARTICLE 1

In this Law “the principal Law” means the Diseases of Animals (Jersey) Law 1956, as amended.<sup>[1]</sup>

ARTICLE 2

(1) Article 1A of the principal Law<sup>[2]</sup> shall be amended -

(a) in paragraph (1), by substituting for the words “Subject to the provisions of paragraph (2) of this Article, the Committee” the words “The Committee”; and

(b) by deleting paragraph (2).

(2) Article 9 of the principal Law<sup>[3]</sup> shall be amended by substituting for paragraph (k) the following paragraph -

“(k) for protecting animals from unnecessary suffering -

(i) during transit within the Island,

(ii) while exposed for sale, or

(iii) while awaiting removal after being exposed for sale;”.

(3) The cross-heading preceding Article 10 of the principal Law<sup>[4]</sup> and the heading to that Article shall each be amended by adding at the end the words “or air”.

(4) Article 10 of the principal Law<sup>4</sup> shall be amended -

(a) in paragraph (a), by inserting after the words “conveyance of animals” the words “by sea or air”; and

(b) in paragraph (b), by inserting after the words “by sea” the words “or air”.

(5) Article 12 of the principal Law<sup>[5]</sup> shall be amended -

(a) in paragraph (1), by substituting for the words “any specified country” the words “any or any specified country”; and

(b) by inserting after paragraph (1) the following paragraphs -

“(1A) An order made in exercise of the discretion conferred by paragraph (1) of this Article may provide for exemptions from the prohibition imposed by the order by means of licences, whether general or specific, and whether conditional or unconditional, issued in accordance with the order.

(1B) Any order made under paragraph (1) of this Article may confer power upon an inspector, for the purpose of ensuring that the requirements of the order have been complied with, to -

- (a) stop any person or vehicle; and
- (b) carry out any search, check or inspection.”.

(6) Article 13(2) of the principal Law<sup>[6]</sup> shall be amended by substituting for the proviso the following proviso -

“Provided that provision may be made by order for altering, adding to or disapplying all or any of the provisions of the said First Schedule in relation to animals or any specified kind of animal imported -

- (a) from the United Kingdom, the Bailiwick of Guernsey or the Isle of Man; or
- (b) in accordance with an exemption provided for by an order made under Article 12 of this Law.”.

(7) Article 19 of the principal Law<sup>[7]</sup> shall be amended -

(a) in paragraph (1) -

- (i) by inserting after the words “Provision may be made by order,” the words “in the interests of animal welfare or”, and
- (ii) by adding at the end the words “without such certificate or licence as may be prescribed and as to the circumstances in which and conditions subject to which a licence may be obtained”;

(b) by inserting after paragraph (1) the following paragraph -

“(1A) Without prejudice to the generality of paragraph (1), an order under this Article may include provision for requiring persons proposing to export animals from the Island to furnish information about -

- (a) the intended ultimate destination of the animals;
- (b) the arrangements for conveying them to that destination; and
- (c) any other matters that may be specified in the order.”;

(8) For Article 37 of the principal Law<sup>[8]</sup> there shall be substituted the following Article -

#### “ARTICLE 37

#### **Punishment for offences against this Law**

If any person is guilty of an offence against this Law for which no special penalty is provided, he shall for every such offence be liable to imprisonment for a term not exceeding one month or -

- (a) to a fine not exceeding level 4 on the standard scale; or
- (b) if the offence is committed with respect to more than 20 animals, to a fine not exceeding level 2 on the standard scale for each animal; or
- (c) where the offence is committed in relation to carcasses, fodder, litter, dung or another thing (exclusive of animals), to a fine not exceeding level 2 on the standard scale in respect of every 508 kilogrammes in weight thereof after the first 508 kilogrammes, in addition to the first fine not exceeding level 4 on the standard scale,

or to both such imprisonment and such fine.”.

(9) Article 40 of the principal Law<sup>[9]</sup> shall be amended -

(a) by substituting for paragraph (2) the following paragraph -

“(2) The Subordinate Legislation (Jersey) Law 1960, as amended, shall apply to orders made under this Law.”;

and

(b) by deleting paragraph (3).

(10) Any Order -

(a) in force when this Law into force; and

(b) expressed to be made under Article 12 or 13 of the principal Law,<sup>[10]</sup> shall have effect as if made under that Article as amended by this Law.

### ARTICLE 3

This Law may be cited as the Diseases of Animals (Amendment No. 5) (Jersey) Law 200-.

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[1] Tome VIII, page 533 and Volume 1994-1995, page 307.

[2] Tome VIII, page 537.

[3] Tome VIII, page 542.

[4] Tome VIII, page 543.

[5] Tome VIII, page 544.

[6] Tome VIII, page 546.

[7] Tome VIII, page 549.

[8] Tome VIII, page 559 and Volume 1994-1995, page 308.

[9] Tome VIII, page 560.

[10] Tome VIII, page 544.