



Jersey

ANIMAL HEALTH (JERSEY) LAW 2016

Official Consolidated Version

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ANIMAL HEALTH (JERSEY) LAW 2016

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ANIMAL HEALTH (JERSEY) LAW 2016

A **LAW** to control certain diseases of animals and birds and for connected purposes.

Commencement [[see endnotes](#)]

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “animal” has the meaning assigned by Article 4;
 - “animal by-product” has the definition set out in Regulation (EC) No. 1069/2009 (OJ No L 300 14.11.2009) as that definition may be amended, extended, applied under another EU provision substituted or re-enacted from time to time;
 - “biosecurity” means the measures to reduce the risk of introduction or transmission of a disease;
 - “bird” means any bird that is kept –
 - (a) in captivity (including by treating it in any way designed to restrict its ability to fly);
 - (b) as a pet;
 - (c) for the production of meat or eggs for consumption, the production of other products, for restocking supplies of game or for the purposes of any breeding programme for the reasons of such production; or
 - (d) for shows, races, exhibitions, competitions, breeding or sale;
 - “carcase” means a carcase or part of a carcase but does not include a sample taken from a carcase;
 - “carrier” means –
 - (a) any creature (except man) that may carry or transmit a specified pathogen; or

(b) the tissue, cell culture, body fluid, excreta or carcass of a creature by or by means of which such a pathogen may be carried or transmitted;

“controlled zone” means an area of land, declared under Article 26(1) or any Order, to which restrictions apply;

“disease” has the meaning assigned by Article 2;

“EU Law” means the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#);

“EU legislation” means Regulations or Orders made under Article 2 of the EU Law or any EU provision that is directly applicable in or binding upon Jersey where such Regulations, Order or provision relates to matters capable of regulation by this Law;

“EU provision” has the same meaning as in Article 1(3) of the EU Law;

“horse” means any animal of the family *Equidae*, including crossings of species within that family;

“inspector” means a person appointed as such under Article 6(1);

“keeper” means any person who owns or has custody of an animal or bird, whether on a permanent or temporary basis or whether or not for financial reward, or who is concerned in the management or control of any body whose activities include keeping or dealing in animals or birds;

“Minister” means Minister for the Environment;

“occupier” means any person having day-to-day responsibility for any premises or for any animals or birds on any premises;

“premises” includes any land, building or other place;

“product of animal origin” has the same meaning as in Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ L 95, 7.4.2017, p. 1);

“relevant legislation” means this Law, any Order made under this Law or any EU legislation;

“sentinel” means an animal or bird kept on premises to facilitate the detection of disease or other risk to animal or human health;

“specified pathogen” has the meaning assigned by Article 3;

“States Veterinary Officer” means a person appointed as such under Article 5;

“vector” means a tick of the species *Ornithodoros erraticus*, insect of the genus *Culicoides* or any other arthropod or insect capable of transmitting disease;

“vehicle” includes any means of transport by land, sea or air, its fittings, its detachable parts and any containers (whether detachable or not) used with it;

“veterinary inspector” means an inspector designated as such under Article 6(2);

“wild”, in relation to an animal or bird, means non-captive and living in the wild, and “wild animal” is not limited by the definition “animal”.¹

- (2) Unless the context otherwise requires, expressions used in any Order that is treated under Article 33(2) as having been made under this Law have the same respective meanings as in this Law.
- (3) For the purposes of the relevant legislation –
 - (a) common or unenclosed land forms separate premises from other land unless the parcels of land adjoin and all animals kept on each parcel of land are in charge of the same keeper;
 - (b) a notice that is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there who is reasonably ascertainable;
 - (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

2 Meaning of “disease”

- (1) Subject to this Article, in this Law “disease” means a disease or pest specified in Schedule 1.
- (2) The Minister may, by Order –
 - (a) amend Schedule 1;
 - (b) for the purposes of any other relevant legislation and the applicability of this Law to it, restrict the definition in paragraph (1) so as to exclude any disease specified in that Schedule or extend the definition to apply to any other disease.

3 Meaning of “specified pathogen”

- (1) In this Law “specified pathogen” means a pathogen listed in Schedule 2, including any –
 - (a) intact pathogen;
 - (b) pathogen that has been attenuated or genetically modified by any means; and
 - (c) any nucleic acid derived from a pathogen listed in that Schedule that could produce that pathogen when introduced into a biological system in which the nucleic acid is capable of replicating.
- (2) The Minister may, by Order, amend Schedule 2.

4 Meaning of “animal”

- (1) In this Law, unless the context otherwise requires, “animal” means any ruminating animal, swine, horse or honey bee (at any stage of life).
- (2) However, the Minister may, by Order –
 - (a) amend the definition in paragraph (1); or
 - (b) for the purposes of any other relevant legislation and the applicability of this Law to it, restrict that definition or extend it to

include any living being of the kingdom *Animalia* other than a human being.

PART 2

GENERAL POWERS OF MINISTER

5 Appointment of States Veterinary Officer

- (1) The Minister must appoint a veterinary surgeon to the post of States Veterinary Officer to carry out the functions of the States Veterinary Officer under the relevant legislation and such other functions relating to veterinary matters as the Minister may specify.
- (2) The Minister may make temporary arrangements for another veterinary surgeon to carry out any or all of the functions of the States Veterinary Officer.

6 Appointment of inspectors and other officers

- (1) The Minister may appoint persons to be inspectors to carry out the functions of inspectors specified under the relevant legislation.
- (2) The Minister may designate any inspector who is a veterinary surgeon to be a veterinary inspector to carry out, additionally, the functions of veterinary inspectors specified in the relevant legislation.
- (3) The States Veterinary Officer is ex officio both a veterinary inspector and an inspector.
- (4) The Minister may appoint persons to carry out such functions required by EU legislation as the Minister considers appropriate.
- (5) The Minister may impose such conditions as he or she considers appropriate on any person appointed under this Article.

7 Orders in relation to animal health, etc.

- (1) The Minister may make such Orders as he or she thinks fit –
 - (a) generally for the execution of this Law or for the purposes of protecting animal health and reducing the risk to human health from the spread of zoonotic diseases;
 - (b) in particular (but without limiting sub-paragraph (a)) for any of the purposes set out in Part 1 of Schedule 3, and, where the Minister considers it necessary for the prevention or control of rabies, for any of the purposes set out in Part 1 and Part 2 of that Schedule;
 - (c) for giving effect or further effect to, or dealing with matters arising out of or related to any EU provision dealing with matters capable of regulation by this Law; and
 - (d) for prescribing and regulating the payment and recovery of expenses.

- (2) The Minister may, by Order, amend paragraph (1)(b) so as to extend the Order-making powers in Part 2 of Schedule 3 to diseases other than rabies.

8 Use of samples taken by Minister

Where the Minister has taken or caused to be taken a sample from an animal or bird (including any wild animal or bird), vector or the environment, the Minister may use that sample for any purpose relating to the protection or enhancement of animal or human health.

9 Control of zoonoses

- (1) The Minister may by Order designate any disease of, or organism carried in, any animal or bird that in the opinion of the Minister constitutes a risk to human health.
- (2) Where any disease or organism is for the time being designated under this Article, the Minister may by Order –
 - (a) provide that any provision of this Law having effect in relation to the disease is to have effect subject to such modifications as may be specified in the Order;
 - (b) apply any provision of this Law, subject to any modifications so specified, in relation to the presence of such an organism in an animal or bird as if the presence of the organism were a disease; and
 - (c) require any person who possesses any animal or bird that the person knows or suspects is affected with such a disease to notify the Minister.
- (3) If it appears to an inspector that a person may have information relating to an animal or bird (including any wild animal or bird) that is –
 - (a) affected with a disease designated under this Article; or
 - (b) a carrier of an organism so designated,the inspector may by notice require the person to furnish such information relating to the animal or bird as the person possesses to the inspector and in such form and within such period as the notice may specify.
- (4) In this Article “disease” is not limited by the definition in, or restricted or extended under, Article 2.

PART 3

DISEASE CONTROL

10 Preventive measures

- (1) Where the Minister is satisfied that there is a risk of a disease spreading to Jersey or from wild animals within Jersey the Minister may take any reasonable measures to reduce that risk or to contain the disease.

- (2) The measures may include, but are not limited to, any of the measures listed in Schedule 4.
- (3) The measures may be imposed or facilitated by the service of a notice or the declaration of a controlled zone, or in such manner as the Minister considers appropriate.
- (4) Orders under Article 7 may prescribe the measures to be taken in the case of any particular disease and the matters the Minister must take into account.

11 Use of disinfectants

- (1) Where the use of an approved disinfectant is required in accordance with any relevant legislation, the disinfectant to be used must, unless otherwise expressly stated in that legislation, be a disinfectant approved from time to time in England for the purposes of, and published as an approved disinfectants product in accordance with, the English Disinfectants Order.
- (2) Every vessel, container or package containing an approved disinfectant must, before being sold or offered for sale for use in connection with the provisions of relevant legislation, bear a label that complies with the English Disinfectants Order.
- (3) Where a sample of disinfectant is taken by an inspector in accordance with this Law, the person from whom the sample is taken must give the inspector all such particulars as the inspector reasonably requires as to the name and composition of the disinfectant used.
- (4) A person must not –
 - (a) sell or offer for sale an approved disinfectant in relation to which there has been a failure to comply with paragraph (2);
 - (b) mark any vessel, container or package containing a disinfectant that is not an approved disinfectant with any label, statement or indication that it is an approved disinfectant; or
 - (c) sell or offer for sale a disinfectant that has been marked in contravention of sub-paragraph (b).
- (5) In this Article (and in any other relevant legislation) –
“English Disinfectants Order” means the Diseases of Animals (Approved Disinfectants) (England) Order 2007 or any enactment revoking and re-enacting that Order with or without further amendment.²
- (6) The Minister may by Order amend this Article so as to ensure that the requirements of this Article continue to reflect the requirements for approved disinfectants in England.

12 Notification of suspected disease

- (1) A person who suspects that an animal or bird or its carcase is affected by disease must immediately notify the Minister.
- (2) The occupier of the premises where the suspect animal or bird or its carcase is located, being premises other than a slaughterhouse, must immediately –

- (a) refrain from moving or permitting to be moved any animal or bird, or its carcase or any other thing from the premises;
 - (b) require any person who has been in contact with any animal or bird or its carcase, or who has been on any part of the premises that may be contaminated with disease, to take all necessary biosecurity precautions to reduce the risk of spreading disease before leaving the premises; and
 - (c) comply with any directions given by a veterinary inspector.
- (3) Where the Minister has been notified under paragraph (1) that an animal or its carcase at a slaughterhouse is affected by disease (other than enzootic bovine leucosis), the operator of the slaughterhouse –
- (a) must not permit any animal to be killed unless authorized by a veterinary inspector; and
 - (b) must identify and isolate any carcase –
 - (i) in respect of which those notification requirements apply,
 - (ii) originating from the same premises, and
 - (iii) that has been in contact with any carcase mentioned in clause (i) or (ii),so that no such carcasses come into contact with any other animal or carcase at the slaughterhouse.
- (4) The requirements of paragraphs (2) and (3) continue to apply until, having made investigation, a veterinary inspector –
- (a) informs the occupier that the presence of disease on the premises is no longer suspected; or
 - (b) places the premises under further disease control restrictions.

13 Prohibition on spreading disease

- (1) A person must not without lawful authority (proof of which lies on the person) knowingly do anything that –
- (a) causes or is intended to cause any animal or bird (of any kind) to be infected with or affected by a disease;
 - (b) might interfere with an official test for a disease; or
 - (c) causes symptoms similar to, or masks the symptoms of, a disease.
- (2) In this Article “official test for a disease” means a test undertaken under powers in the relevant legislation by an inspector or other person authorized by the Minister.

14 Prohibition on the importation of bovine animals

- (1) A person must not import any bovine animal.
- (2) In this Article “bovine animal” means domestic cattle of the genus *Bos*, *Bubalus bubalis* or *Bison bison*.

15 Control of pathogens

- (1) A person must not, without being in possession of a licence granted by the Minister –
 - (a) have in his or her possession any specified pathogen listed in Part 1 of Schedule 2 or any carrier in which he or she knows such a pathogen is present; or
 - (b) intentionally or recklessly introduce into an animal or bird (of any kind) any specified pathogen.
- (2) A person must notify the Minister immediately if the person, without being in possession of a licence granted by the Minister, possesses any thing that he or she suspects contains a specified pathogen and such notification must include the address of the premises from where the thing has originated.
- (3) Where the Minister is notified under paragraph (2) a veterinary inspector must as soon as is reasonably practicable investigate the premises concerned and –
 - (a) inform the occupier that the presence of disease on the premises is not suspected; or
 - (b) place the premises under disease control restrictions by the service of a notice.
- (4) If any inspector has reasonable grounds for suspecting that a specified pathogen or carrier is in the possession of any person without a licence for that pathogen or carrier, the inspector may seize, or cause to be seized, such pathogen or carrier, or any material in which the inspector reasonably suspects the pathogen to have been kept or into which he or she reasonably suspects it to have been introduced.
- (5) If the inspector considers it expedient to do so, the inspector may for the purpose of reducing the risk of the introduction or spreading of disease detain, treat or destroy any pathogen or carrier seized under paragraph (4).
- (6) An inspector may, by notice served upon –
 - (a) the occupier of any premises (including a dwelling house); or
 - (b) the owner or person in charge of any vehicle, in which the inspector reasonable suspects that a pathogen, carrier or material mentioned in paragraph (4) is or has been present in contravention of this Article,require the person on whom the notice was served, at that person's expense, to cleanse and disinfect, and if necessary disinfest, the premises or vehicle in such manner and within such period as the inspector may specify in the notice.
- (7) This Article does not apply to any specified pathogen isolated from a human being nor any specified pathogen or carrier contained in any product for which a product licence has been granted under Article 8 of the [Medicines \(Jersey\) Law 1995](#).

16 Seizure

- (1) An inspector –
 - (a) may seize any thing that the inspector considers is at risk of carrying or spreading disease;
 - (b) may arrange for the destruction, burial, treatment or such other method of disposal as the inspector considers expedient of anything so seized so as to reduce the risk of the spread of disease.
- (2) Before seizing any thing under this Article the inspector must give notice of his or her intention to do so –
 - (a) to the occupier of the premises where the thing is kept; or
 - (b) to the owner or keeper of the thing.
- (3) This Article applies to any disease that the inspector considers might pose a risk to animal, bird or human health and in this Article “disease” is not limited by the definition in, or restricted or extended under, Article 2.
- (4) The Minister may pay compensation under Article 18 to the owner of the thing so seized as if the references there to the killing of an animal or bird were a reference to the seizing of any thing.

PART 4**KILLING AND COMPENSATION****17 Killing**

- (1) The Minister may, if he or she thinks fit, cause to be killed any animal or bird that –
 - (a) is affected or suspected of being affected with any disease to which this Article applies; or
 - (b) is or has been in the same enclosure or other place as, or otherwise in contact with, a diseased animal or bird or that appears to the Minister to have been exposed to the infection of the disease.
- (2) Before causing any animal or bird to be killed under paragraph (1) the Minister must give notice of his or her intention to do so –
 - (a) to the occupier of the premises where the animal or bird is kept; or
 - (b) to the owner or keeper of the animal or bird.
- (3) The power in paragraph (1) applies whether or not the animal or bird to be killed has been treated with a vaccine or serum against the disease concerned.
- (4) Where, under this Law, an animal or bird has been killed at the direction of the Minister, the Minister may use any land in the possession or occupation of the owner of the animal or bird or the public that is suitable for the burial or burning of the animal or bird’s carcass, or any other suitable land in private ownership with the agreement of the owner.
- (5) Where the Minister is required under any EU legislation to kill animals or birds, the Minister may decide not to do so in respect of any animal or bird –

- (a) kept in a zoo or wildlife park; or
- (b) kept for –
 - (i) educational purposes,
 - (ii) scientific research or breeding for such research, or
 - (iii) purposes related to conservation of species or genetic resource.
- (6) If the Minister decides under paragraph (5) not to kill an animal or bird, a veterinary inspector must serve a notice on the occupier of the premises on which it is kept detailing the biosecurity arrangements that the occupier must follow to reduce the risk of the spread of disease.
- (7) The Minister may for disease control reasons at any time decide to order the killing of any animal or bird that has previously been spared under paragraph (5).
- (8) This Article applies to such diseases of animals as the Minister may specify by Order.

18 Compensation

- (1) The Minister may, with the approval of the Minister for Treasury and Resources, pay to the owner of any animal or bird killed under Article 17 reasonable compensation for the direct loss that the owner has suffered as a result of the killing.
- (2) The compensation must relate to the financial value of the animal or bird killed and not to any consequential or future losses.
- (3) The Minister may establish such schemes or methodology for the paying of compensation under this Article as the Minister considers appropriate and such schemes or methodology may, amongst other things, provide for some or all of the following –
 - (a) compensation to be limited to certain circumstances or diseases;
 - (b) the Minister to act in accordance with certain criteria;
 - (c) there to be a maximum level of compensation in some or all cases;
 - (d) an independent valuer to be appointed in certain circumstances.
- (4) Despite paragraph (1) and any provision of a scheme or methodology established under paragraph (3), the Minister must reduce or refuse to pay compensation if the owner of the animal or bird (or any person acting on the owner's behalf) has –
 - (a) failed to take reasonable measures to reduce the risk of spread of disease;
 - (b) contravened the relevant legislation; or
 - (c) imported an animal that was, in the Minister's opinion, diseased at the time of its landing or, before or while being brought from outside the Island, exposed to the infection or disease.

PART 5**POWERS OF INSPECTORS****19 Inspectors' powers of entry into premises and to stop and enter vehicles**

- (1) An inspector may enter any premises, other than premises used wholly or mainly as a private dwelling, and stop and enter any vehicle at any reasonable hour, for the purpose of enforcing any relevant legislation and, in particular, where the inspector has reason to suspect that –
 - (a) there is disease at the premises or in the vehicle;
 - (b) an animal or bird is or has been kept there that is affected with a disease designated under Article 9;
 - (c) the carcass of an animal or bird that is affected or suspected of being affected by a such a disease is or has been kept there, or has been buried, destroyed or otherwise disposed of there;
 - (d) an animal, bird or thing is being kept there contrary to any relevant legislation; or
 - (e) any relevant legislation is otherwise not being complied with.
- (2) A veterinary inspector may enter any premises at any time if he or she has reason to believe that there is an immediate risk to human health from an animal or bird affected with a zoonotic disease, whether or not designated under Article 9.
- (3) If asked, the inspector or the veterinary inspector, as the case may be, must produce a document showing that he or she is an inspector or veterinary inspector, before exercising that power.
- (4) An inspector who enters –
 - (a) premises that are unoccupied; or
 - (b) premises whose occupier is absent,must (so far as reasonably practicable) leave the premises as effectively secured as he or she found them.
- (5) The Bailiff or a Jurat, if satisfied on sworn information –
 - (a) that there are reasonable grounds for entry into any premises for the purposes of the enforcement of the relevant legislation; and
 - (b) that either the premises are used wholly or mainly as a private dwelling or any of the circumstances in paragraph (6) applies,may grant a warrant authorizing an inspector, together with a police officer, to enter the premises and to use such force as is reasonably necessary to do so.
- (6) Those circumstances are –
 - (a) that admission has been refused, or a refusal is expected, and (in either case) notice to apply for a warrant has been given to the occupier;
 - (b) that asking for admission, or the giving of such a notice, would defeat the object of the entry;

- (c) that the case is one of urgency; or
 - (d) that the premises are unoccupied or the occupier is absent.
- (7) A warrant under this Article is valid for one month.

20 Inspectors' other powers

- (1) The powers of an inspector entering any premises or vehicle under Article 19 include but are not limited to the following –
- (a) undertaking inquiries, inspections and examinations, including of documents and computer records, recording, measuring or photographing anything or transcribing, taking copies of or seizing those documents and records;
 - (b) identifying in any way any animal, bird or thing;
 - (c) taking samples and having them tested;
 - (d) detaining, isolating or requiring the movement of any animal, bird or thing;
 - (e) undertaking such cleansing and disinfection, disinfestation, treatment or destruction (including if appropriate by fire) of any bird, animal or thing as is suitable in the circumstances;
 - (f) undertaking surveillance for any purpose including the use of sentinels;
 - (g) implementing biosecurity controls;
 - (h) capturing, detaining, taking samples from or vaccinating a wild animal or wild bird;
 - (i) killing a wild animal or wild bird if the States Veterinary Officer is satisfied that killing is necessary either for the control of disease or for surveillance purposes;
 - (j) requiring by notice served on the occupier of the premises or person in charge of the vehicle, as the case may be, that the person undertake any action that the inspector reasonably considers appropriate to enforce the relevant legislation.
- (2) For the purposes of paragraph (1)(i) the States Veterinary Officer must take particular account of –
- (a) the practicality of taking samples from the wild animal or wild bird without killing it;
 - (b) the practicality of detaining the wild animal or wild bird pending the results of any testing or sampling; or
 - (c) the likelihood of wild animals or wild birds spreading disease or being at risk of contracting disease.
- (3) The inspector may by notice served on the person, require the owner or person having charge of any animal or bird on any premises to take such reasonable steps as the inspector may specify to collect or restrain it so as to facilitate the exercise of the inspector's powers in relation to the animal or bird.
- (4) In exercising a power under this Article or Article 19, an inspector may be accompanied by –

- (a) such other persons as he or she considers necessary; and
 - (b) a representative of the European Commission acting for the purpose of the enforcement of any obligation under the EU treaties (as defined by Article 1(1) of the [European Union \(Jersey\) Law 1973](#)).
- (5) The inspector may authorize a competent person to undertake any of the functions of the inspector under this Article other than with respect to the serving of notices under paragraph (1)(j) or (3).
- (6) The inspector may take any necessary equipment or vehicle onto any premises entered for the purposes of this Article or Article 19.

21 Powers of inspectors where relevant legislation contravened

- (1) If a person contravenes any provision of the relevant legislation an inspector may take such steps as he or she considers necessary to ensure that the provision is not further contravened or that its requirements are carried out.
- (2) The steps taken may include the killing of animals and birds and the seizure, destruction, burial or any other treatment of any thing.
- (3) The Minister may reclaim the cost of any steps taken under this Article from the person who contravened the requirement and enforce the claim as a debt owed to the Minister.

22 Exceptional circumstances

- (1) A veterinary inspector may carry out risk assessments for the purposes of considering whether any exceptional measures are necessary to ensure the health of any animal, bird or human being or to reduce the risk of the spread of disease.
- (2) If a veterinary inspector, having undertaken a risk assessment under paragraph (1), considers that such exceptional measures are necessary, he or she may –
 - (a) license a person to carry out any action otherwise prohibited under any relevant legislation;
 - (b) exempt a person, by notice, from any requirement of the relevant legislation; or
 - (c) ban a person, by notice, from carrying out an action that would otherwise be permitted, or not prohibited, by the relevant legislation.

PART 6

PROCEEDINGS

23 Notices

- (1) Any notice served under the relevant legislation must be in writing and may be amended, suspended or revoked in writing at any time.

- (2) A notice is validly served on a person by –
 - (a) delivering it to the person personally;
 - (b) leaving it at the person’s proper address; or
 - (c) sending it by post or electronic means to the person’s proper address.
- (3) In the case of an unincorporated association, a notice may be served on or given to an officer of the association.
- (4) Any notice that is required or authorized under the relevant legislation to be served on the occupier of premises may be served on a person whom the person serving the notice reasonably believes to be the occupier.
- (5) However, if the person who served the notice discovers that another person is in fact the occupier of premises or the keeper of any animal or bird in connection with which the notice was served, a notice must be served on that other person.
- (6) If the name or address of any occupier of premises on whom a notice is to be served or given under the relevant legislation cannot, after reasonable enquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.
- (7) If the notice is urgent it may be served in the manner provided for under paragraph (6) and a copy subsequently served in the manner provided for under paragraph (2) if this is possible after reasonable enquiry.
- (8) A notice may –
 - (a) require any action that an inspector reasonably believes is necessary for the enforcement of the relevant legislation;
 - (b) specify that a person in receipt of it must immediately inform an inspector that it has been received.
- (9) A person on whom a notice is validly served must comply with it.
- (10) For the purposes of this Article and Article 7 of the [Interpretation \(Jersey\) Law 1954](#), “proper address” means –
 - (a) in the case of a body corporate or limited liability partnership or an officer of the body or partnership –
 - (i) the registered or principal office in Jersey of the body or partnership, or
 - (ii) the email address of the officer;
 - (b) in the case of any other partnership or a partner or person having control or management of the partnership business –
 - (i) the principal office in Jersey of the partnership,
 - (ii) the email address of the partner or person having control or management;
 - (c) in the case of an unincorporated association or an officer of the association –
 - (i) the office of the association, or
 - (ii) the email address of the officer;
 - (d) in any other case, a person’s last known address, which includes an email address.

24 Notices following contravention of movement controls

- (1) If an inspector has reasonable grounds for suspecting that an animal or bird has been moved to any premises in contravention of any provision of the relevant legislation or any licence or notice served under it, the inspector may serve a notice on the occupier of the premises requiring that animal or bird, or any other animal or bird on the premises, to be there detained or moved to other premises specified in the notice.
- (2) An inspector may serve a notice, on the occupier of any premises mentioned in paragraph (1) or to which any animal or bird is to move or has been moved to under that paragraph, imposing such movement restrictions relating to an animal or bird on those premises as the inspector considers necessary to reduce the risk of spreading disease.

25 Licences

- (1) Where a licence is granted under any relevant legislation it must be in writing and may be –
 - (a) either of general application (a “general licence”) or specific to any particular animal, bird, person, premises or any other thing or particular situation (a “specific licence”);
 - (b) subject to conditions; and
 - (c) amended, suspended or revoked in writing at any time.
- (2) A person moving an animal or bird or thing under the authority of a specific licence must –
 - (a) carry the licence or a copy of it at all times during the movement;
 - (b) when so demanded by an inspector, produce the licence or a copy of it and allow a copy to be taken of it or details to be extracted from it; and
 - (c) retain the licence relating to each movement for at least 6 months after the last movement made under its authority.
- (3) A person moving an animal, bird or thing under the authority of a general licence must –
 - (a) at all times during the movement, carry a document containing details of –
 - (i) what is being transported, including the quantity,
 - (ii) the date of the movement,
 - (iii) the names of the persons responsible for the animal, bird or thing being moved at the place of departure and the place of destination,
 - (iv) the addresses of the place of departure and the place of destination;
 - (b) when so demanded by an inspector, produce the document and allow a copy to be taken of it or details to be extracted from it; and state which general licence gives the authority for the movement; and
 - (c) retain the documentation relating to each movement for at least 6 months after the last movement made under its authority.

- (4) If an animal, bird or thing has been moved to premises under a licence, an inspector may serve a notice on the occupier of those premises imposing such restrictions in relation to the premises as the inspector considers are necessary to reduce the risk of spreading disease.
- (5) A person to whom a licence is granted under any relevant legislation must comply with any conditions of the licence.
- (6) Where the licence is required or authorized to be granted by a veterinary inspector, it may also be granted by an inspector acting under the direction of a veterinary inspector.
- (7) The Minister must publicize in such manner as he or she considers appropriate any general licence including –
 - (a) the purpose of the licence and the conditions attached to it; and
 - (b) the date on which the licence becomes operative and, if applicable, is amended, suspended or revoked.
- (8) If an inspector has reasonable grounds for suspecting that a person has contravened the terms of a general licence, the Minister may serve a notice under Article 23 preventing the person from making use of any general licence.

26 Declaration of controlled zones

- (1) The Minister may declare any land to be a controlled zone for any purposes relating to the relevant legislation and in respect of which certain measures may apply.
- (2) The declaration of a zone under this Article –
 - (a) must be in writing;
 - (b) must define the extent of the zone being declared;
 - (c) must specify the disease to which the declaration relates;
 - (d) may specify measures that must be taken in respect of any animal, bird or thing kept on premises within the zone; and
 - (e) may be amended or revoked by a further declaration.
- (3) Any premises partly within a zone are treated as being wholly within the zone and if premises are partly in more than one zone the premises are treated as being wholly within the zone to which the strictest controls apply.
- (4) The Minister must publicise in such manner as he or she considers appropriate –
 - (a) the extent of any zone declared and the disease to which it relates;
 - (b) the date on which the declaration becomes operative and ceases to become operative;
 - (c) details of any measures specified in the declaration; and
 - (d) any amendment to the declaration.
- (5) A person who keeps an animal, bird or thing within the zone to which the declaration relates must comply with any measure specified in the declaration applicable to that animal, bird or thing.

27 Obstruction

A person must not –

- (a) intentionally obstruct or impede anyone acting in the execution or enforcement of the relevant legislation;
- (b) interfere with, or cause or knowingly permit to be interfered with, anything done by anyone acting in the execution or enforcement of the relevant legislation;
- (c) fail to give to any person acting in the execution or enforcement of the relevant legislation any assistance or information that is reasonably required;
- (d) provide to anyone acting in the execution or enforcement of the relevant legislation any information knowing it to be false or misleading or not believing it to be true; or
- (e) fail to produce a record when required to do so by any person acting in the execution or enforcement of the relevant legislation.

28 Changes of occupier

- (1) If there is a change in occupation of any restricted premises –
 - (a) the outgoing occupier must inform the Minister of the name and contact details of the new occupier before the change in occupation takes place; and
 - (b) if the incoming occupier does not have day to day responsibility for any restricted animal or bird, he or she must allow the keeper of any such animal, or any person acting on behalf of the keeper, to enter the premises to feed or otherwise attend to the welfare of any animal or bird during the period of its restriction and for up to 7 days thereafter.
- (2) In this Article “restricted,” in relation to any premises or any animal or bird, means subject to a control or restriction under the relevant legislation.

PART 7**OFFENCES AND PENALTIES****29 Offences**

- (1) A person is guilty of an offence if the person without lawful authority or excuse, proof of which lies on the person –
 - (a) contravenes any requirement of the relevant legislation (including the terms of any notice, licence or other requirement imposed under it); or
 - (b) does or fails to do anything that is stated in the relevant legislation to be an offence or not to be lawful.
- (2) A person guilty of an offence under paragraph (1) is liable to imprisonment for a term of 2 years and to a fine.

- (3) A court before which a person is convicted of an offence under paragraph (1) 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, any animal or bird or such animals or birds of a description or kinds as the court may specify.
- (4) Paragraph (3) does not prevent a person keeping any animals or birds during the time when arrangements for their care are being arranged subject to such time limit as the court may impose.

30 General provisions as to offences

- (1) Where an offence under the relevant legislation, committed by a body corporate, limited liability partnership or separate limited partnership, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
 - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,the person is also 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) applies in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

31 Protection of inspectors

- (1) An inspector is not personally liable for anything that he or she does –
 - (a) when acting in the execution or purported execution of the relevant legislation; 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 the relevant legislation requires or entitles the inspector to do it.
- (2) Paragraph (1) does not affect any liability of the inspector's employer.

PART 8

CLOSING PROVISIONS

31A Orders to deal with deficiencies arising from withdrawal of UK from EU³

- (1) The Minister may, by Order, make any provision, whether by amendment or otherwise, that –

- (a) may be made by Regulations under Article 2, 5A or 5B of the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#); and
 - (b) is or relates to –
 - (i) a matter capable of regulation by this Law,
 - (ii) a matter for which provision may be made under Article 7, or
 - (iii) an amendment of this Law or of an Order made under this Law.
- (2) No Order may be made under paragraph (1) after 2020.

32 Orders generally

- (1) Orders under this Law may make provision by reference to, and may incorporate (by reference, annexation or otherwise), any EU provision relating to matters capable of regulation by this Law to such extent and subject to such exceptions, adaptations and modifications as may be specified in the Order and such provision may include references to any EU provision as it may be amended from time to time.
- (2) Orders under this Law may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the Order.

33 Minor and consequential amendments to enactments

The States may by Regulations make such amendments to any enactment as appears to the States to be expedient –

- (a) for the general purposes, or any particular purpose, of this Law;
- (b) in consequence of any provision made by or under this Law; or
- (c) for giving full effect to this Law or any provision of it.

34 Citation

This Law may be cited as the Animal Health (Jersey) Law 2016.

SCHEDULE 1⁴

(Article 2(1))

DISEASES

African horse sickness
African swine fever
American Foulbrood
Anthrax
Aujeszky's disease
Avian chlamydiosis (Psittacosis otherwise known as Ornithosis)
Avian influenza
Bluetongue
Bovine Spongiform Encephalopathy
Bovine Tuberculosis
Bovine Viral Diarrhoea
Brucellosis
Chronic wasting disease
Classical swine fever
Contagious agalactia
Contagious bovine pleuropneumonia
Contagious caprine pleuropneumonia
Contagious epididymitis
Contagious equine metritis
Dourine
Ebola in non-human primates
Enzootic bovine leukosis
Epizootic haemorrhagic disease
Epizootic lymphangitis
Equine infectious anaemia
Equine viral arteritis
Equine Viral Encephalomyelitis
European Foulbrood
Foot and mouth disease
Glanders
Infection with *Batrachochytrium salamandrivorans*
Infectious Bovine Rhinotracheitis/Infectious Pustular Vulvovaginitis
Lumpy skin disease
Newcastle disease
Paramyxovirus infection
Peste de Petit Ruminants (Goat plague)
Porcine Epidemic Diarrhoea
Rabies
Rabies in bats
Rift Valley fever
Rinderpest virus
Scrapie
Sheep and goat pox
Sheep scab
Small hive beetle

Surra (*Trypanosoma evansi*)
Swine influenza
Swine vesicular disease
Teschen disease
Trichinellosis
Tropilaelops mite
Vesicular stomatitis
West Nile fever

SCHEDULE 2

(Article 3(1) and 15(1)(a))

SPECIFIED PATHOGENS**PART 1⁵**

African horse sickness virus.

African swine fever virus.

Aujesky's disease virus.

Avian influenza viruses that are –

- (a) uncharacterised;
- (b) Type A viruses that have an intravenous pathogenicity index in six-week-old chickens of greater than 1.2; or
- (c) Type A viruses H5 or H7 subtype for which nucleotide sequencing has demonstrated multiple basic amino acids at the cleavage site of hæmagglutinin.

Babesia bovis.

Babesia bigemina.

Babesia caballi.

Bacillus anthracis.

Bluetongue virus.

Bovine leucosis virus.

Brucella species.

Burkholderia mallei.

Campylobacter foetus subspecies *venerealis*.

Classical swine fever virus.

Cochliomyia hominivorax.

Coxiella burnetii.

Eastern and Western equine encephalomyelitis viruses.

Echinococcus multilocularis.

Echniococcus granulosus.

Ehrlichia ruminantium.

Equine infectious anemia virus.

Foot and mouth disease virus.

Hendra disease virus.

Histoplasma farciminosum.

Influenza viruses of avian origin in mammals.

Japanese encephalitis virus.

Lumpy skin disease virus.

Monkeypox virus.

Mycobacterium avium subspecies *paratuberculosis*.

Mycobacterium caprae.

Mycobacterium tuberculosis.

Mycoplasma agalactiae.

Mycoplasma capricolum sub species *capripneumoniae*.

Mycoplasma gallisepticum.

Mycoplasma meleagridis.

Mycoplasma mycoides sub species *mycoides SC* and *mycoides LC* variants.

Mycoplasma mycoides var capri.

Newcastle disease (avian paramyxovirus type 1) viruses that are –

- (a) uncharacterised; or
- (b) have an intracerebral pathogenicity index in one-day-old chicks of 0.4 or more, when not less than 10 million 50% egg infectious doses (EID50) are administered to each bird in the test.

Nipah disease virus.

Peste des petits ruminants virus.

Porcine reproductive and respiratory syndrome virus.

Psittacosis (also known as Ornithosis).

Rabies virus and all viruses of the genus *Lyssavirus*.

Rift Valley Fever virus.

Rinderpest virus.

St. Louis equine encephalomyelitis virus.

Salmonella pullorum.

Salmonella gallinarum.

Salmonella arizonae.

Sheep and goat pox virus.

Swine vesicular disease virus.

Teschen disease virus.

Theileria annulata.

Theileria equi.

Theileria parva.

Trichinella spiralis.

Trichomonas foetus.

Trypanosoma brucei.

Trypanosoma congolense.

Trypanosoma equiperdum.

Trypanosoma evansi.

Trypanosoma simiae.

Trypanosoma vivax.

Venezuelan equine encephalomyelitis virus.

Vesicular stomatitis virus.

West Nile virus.

PART 2

The live virus causing viral hæmorrhagic disease of rabbits.

SCHEDULE 3

(Article 7(1)(b))

ORDER-MAKING POWERS**PART 1 – POWERS EXERCISABLE IN ALL CASES**

1. To set fees or to require costs otherwise incurred by the Minister to be borne by any person.
2. To proscribe or regulate the import or export of animals, birds or any other thing that might spread disease.
3. To regulate the movement of animals, birds or any other thing that might spread disease, require records to be kept of such movements and specify matters relating to the keeping of such records.
4. To require isolation of any animal, bird or other thing and specify matters relating to the biosecurity conditions of such isolation.
5. To require the recording of numbers and classes of animals or birds kept and specify matters relating to the keeping of such records.
6. To require the identification of animals or birds and specify the method of such identification.
7. To require keepers of animals or birds and those operating a business handling animals or birds to be registered and to meet minimum standards.
8. To undertake surveillance (including taking samples and conducting tests) for disease.
9. To require or to proscribe the treatment of animals or birds with vaccine or serum or both and specify matters relating to such treatment including the keeping of untreated animals and birds and their location on premises.
10. To require biosecurity measures to be put in place on premises (including ports and airports) or in vehicles and to specify matters relating to such measures.
11. To proscribe or regulate the exhumation of animal or bird carcasses.
12. To regulate artificial animal breeding.
13. To approve disinfectants for use when required by the relevant legislation.
14. To regulate hunting and gathering of animals and birds (of any kind).
15. To regulate animal feedingstuffs and the inclusion of medication in feedingstuffs.
16. To regulate animal by-products and other products of animal origin.
17. To undertake investigations into the possible presence of disease including taking samples from animals or birds (including wild animals or wild birds) and the environment and having them tested, including trapping vectors and having them tested.
18. To impose biosecurity controls (including if necessary closing footpaths) on premises and by the use of controlled zones (which may be the whole

- of Jersey) when disease is suspected and on confirmation of disease to reduce the risk of spread of disease, or to contain or eradicate disease.
19. To require and specify the method of cleansing and disinfection and disinfestation of premises, vehicles or any other thing that might be contaminated with disease including the seizure and destruction of things that cannot be cleansed and disinfected or requiring the destruction of such things.
 20. To kill animals or birds (including wild animals or wild birds) for disease control purposes and specify the method of killing.
 21. To place or require the placing of sentinels on premises and specify any requirements appropriate to the sentinels including their location on premises sampling them and having the samples tested.
 22. To prescribe and regulate the destruction, burial, disposal or treatment of carcasses of animals or birds killed at the Minister's direction.

PART 2 – POWERS EXERCISABLE IN CASES OF RABIES ETC.

23. To destroy animals, pets or wild animals.
24. To prevent the movement of animals, pets or wild animals in order to facilitate their seizure or destruction.
25. To authorize the use of methods of destruction that would otherwise be unlawful.
26. To regulate the ownership and disposal of the carcasses of animals that have been destroyed.
27. To require notice to be given of the death of such pets or wild animals as may be specified and to specify requirement in relation to the giving of notice.
28. To regulate the ownership and disposal of the carcasses of animals whose deaths are required to be notified under paragraph 27.
29. To authorize any person to enter any land for the purposes of seizing or destroying animals, pets or wild animals.
30. To require and regulate the vaccination, confinement and control of pets and other animals held in captivity.
31. Requiring any animal mentioned in paragraph 30 that may be a carrier of rabies (or any other disease to which this Part applies) to be kept in quarantine.

SCHEDULE 4

(Article 10(2))

PREVENTIVE MEASURES

1. To require and regulate the housing, confinement or isolation of animals, birds or any other thing likely to spread disease.
2. To proscribe or regulate the movement of animals, birds or things likely to spread disease.
3. To regulate the method and location of feeding and providing water to animals or birds.
4. To require and regulate biosecurity measures.
5. To require and regulate keeping of records and specify the way records are kept.
6. To require the reporting of dead or diseased animals or birds (of any kind) to the Minister.
7. To vaccinate animals or birds, or require them to be vaccinated, whether or not at the owner's expense, and to recover costs where the Minister vaccinates.
8. To proscribe vaccination.
9. To sample animals, birds and other things including for vectors and have the samples tested.
10. To require practical vector control.
11. To require and regulate cleansing, disinfection and disinfestation of premises, vehicles or other things.
12. To place sentinels on premises or require animals or birds on premises to be used as sentinels and to specify their location, whether or not at the owner's expense.
13. To kill animals or birds (including wild animals or wild birds).
14. To destroy animal or bird carcasses or any other thing that might risk the spread of disease.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Animal Health (Jersey) Law 2016	L.12/2016	1 February 2017 (R&O.2/2017) (paragraphs 2(b) and (c) and 17(a) of Schedule 5 in force 29 July 2016: see Article 35(3) of Law)	P.17/2016
Animal Health (Amendment of Law and Miscellaneous Revocations) (Jersey) Order 2017	R&O.8/2017	1 February 2017	
European Union (United Kingdom Exit – Animal Health and Welfare) (Jersey) Regulations 2019	R&O.19/2019	13 March 2019	P.9/2019
Animal Health (Amendment of Law) (Jersey) Order 2019	R&O.98/2019	10 October 2019	
Animal Health and Welfare (EU – Miscellaneous Amendments) (Jersey) Order 2019	R&O.106/2019	22 October 2019	
EU Legislation (Official Controls) (Jersey) Regulations 2020	R&O.156/2020	8 December 2020	P.138/2020
Animal Health (Miscellaneous Amendments – Diseases) (Jersey) Order 2021	R&O.105/2021	20 August 2021	

*Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
33	Spent, omitted
34(1)	Spent, omitted
34(2)	33
35(1)	34
35(2) and (3)	Spent, omitted
Schedule 5	Spent, omitted

Table of Endnote References

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- ¹ *Article 1(1)* amended by R&O.156/2020
- ² *Article 11(5)* editorial change, “any in” deleted, “in any” inserted instead
- ³ *Article 31A* inserted by R&O.19/2019
- ⁴ *Schedule 1* amended by R&O.8/2017, R&O.98/2019, R&O.106/2019, R&O.105/2021
- ⁵ *Schedule 2* Part 1 amended by R&O.8/2017, R&O.98/2019, R&O.105/2021