



Jersey

**ANIMAL HEALTH AND WELFARE
(TEMPORARY CONTINUANCE OF EFFECT
OF EUROPEAN UNION LEGISLATION)
(JERSEY) ORDER 2019¹**

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 31 December 2020 to 30 September 2021



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ANIMAL HEALTH AND WELFARE (TEMPORARY CONTINUANCE OF EFFECT OF EUROPEAN UNION LEGISLATION) (JERSEY) ORDER 2019

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Jersey

ANIMAL HEALTH AND WELFARE (TEMPORARY CONTINUANCE OF EFFECT OF EUROPEAN UNION LEGISLATION) (JERSEY) ORDER 2019

THE MINISTER FOR THE ENVIRONMENT makes this Order under Article 31A of the [Animal Health \(Jersey\) Law 2016](#), Article 39A of the [Animal Welfare \(Jersey\) Law 2004](#), Regulation 39A of the [EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#), Regulation 6 of the [EU Legislation \(Wild Aquatic Animals – Food and Feed\) \(Jersey\) Regulations 2019](#) and Regulation 9 of the [EU Legislation \(Monitoring of Residues in Animals\) \(Jersey\) Regulations 2019](#) –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“1973 Law” means the [European Union \(Jersey\) Law 1973](#);

“EU provision” has the meaning given by the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#);

“repeal date” means the date and time at which Article 2 of the [European Union \(Repeal and Amendment\) \(Jersey\) Law 2018](#) comes into force.

2 Continuance of effect of certain EU provisions relating to animals

- (1) On and after the repeal date, a relevant EU animal provision, as amended from time to time, has effect in Jersey as if –
 - (a) the 1973 Law had not been repealed;
 - (b) the United Kingdom were still a member state of the European Union; and
 - (c) the arrangements described in Article 1(4B)(a) to (c) of the 1973 Law were still in effect.
- (2) For the purpose of paragraph (1) an EU provision is a relevant EU animal provision if –
 - (a) it falls within paragraph (3); and
 - (b) it had effect, by virtue of Article 2 of the 1973 Law, immediately before the repeal date.
- (3) An EU provision falls within this paragraph if, and to the extent that, it relates to –

- (a) the welfare of animals;
- (b) unwanted residues in farmed animals;
- (c) food or feed standards in relation to aquatic animals;
- (d) the health of aquatic animals;
- (e) any other matter capable of regulation by the [Animal Health \(Jersey\) Law 2016](#), within the meaning of that Law; or
- (f) any other matter for which provision may be made –
 - (i) under Article 7 of the [Animal Health \(Jersey\) Law 2016](#),
 - (ii) by Order under the [Animal Welfare \(Jersey\) Law 2004](#), or
 - (iii) by Order under the [EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#).

3 Implementation and enforcement of continued EU provisions

- (1) In this Article “continued EU provision” means an EU provision that has effect by virtue of Article 2.
- (2) The Minister for the Environment is the competent authority for the purpose of the continued EU provisions.
- (3) A continued EU provision is to be treated as “relevant legislation” for the purpose of Article 19 of the [Animal Health \(Jersey\) Law 2016](#).
- (4) The Minister for the Environment may serve a person with a notice if the Minister considers that the person has not complied with, is not complying with, or is not likely to comply with a continued EU provision.
- (5) Paragraphs (2) to (10) of Regulation 4 of the [EU Legislation \(Wild Aquatic Animals – Food and Feed\) \(Jersey\) Regulations 2019](#) apply in relation to a notice served under paragraph (4) as they apply to a notice served under that Regulation.
- (6) If a continued EU provision prescribes or specifies a form, a deviation from that form does not invalidate the form used if the deviation –
 - (a) consists in using, or adapting to Jersey, an equivalent form prescribed or specified by any law of the United Kingdom; or
 - (b) otherwise does not materially affect the substance of the form and is not likely to mislead.
- (7) Paragraph (6) is not to be read as limiting the application of Article 14 of the [Interpretation \(Jersey\) Law 1954](#) to a form prescribed or specified by an enactment mentioned in any of sub-paragraphs (a) to (n) of Article 4(2).
- (8) The diseases listed in paragraph (9) are notifiable diseases for the purposes of Part 5 of the [EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#), and nothing in Regulation 19 of those Regulations or in Article 2 or 4 of this Order is to be read as preventing those diseases from being treated as notifiable diseases.
- (9) The diseases are –
 - (a) spring viraemia of carp (SVC);
 - (b) bacterial kidney disease (BKD); and
 - (c) infections with *Gyrodactylus salaris* (GS).

4 Construction of related enactments

- (1) On and after the repeal date, the enactments listed in paragraph (2) are to be construed as if –
 - (a) the 1973 Law had not been repealed;
 - (b) the United Kingdom were still a member state of the European Union; and
 - (c) the arrangements described in Article 1(4B)(a) to (c) of the 1973 Law were still in effect.
- (2) The enactments are the provisions, made before the repeal date, of –
 - (a) the [Animal Health \(Jersey\) Law 2016](#);
 - (b) the [Animal Welfare \(Jersey\) Law 2004](#);
 - (c) the [EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#);
 - (d) the [European Communities Legislation \(Bluetongue\) \(Jersey\) Regulations 2008](#);
 - (e) the [Community Provisions \(Bovine Embryos\) \(Jersey\) Regulations 2010](#);
 - (f) the [European Communities Legislation \(Implementation\) \(Cattle Identification\) \(Jersey\) Regulations 2002](#);
 - (g) the [EU Legislation \(Transmissible Spongiform Encephalopathies\) \(Jersey\) Regulations 2015](#);
 - (h) the [EU Legislation \(Veterinary Checks – Imports from Third Countries\) \(Jersey\) Regulations 2016](#);
 - (i) the [EU Legislation \(Veterinary and Zootechnical Checks – Trade with Member States\) \(Jersey\) Regulations 2016](#);
 - (j) the [Pet Travel Scheme \(Jersey\) Regulations 2011](#);
 - (k) the [Community Provisions \(Welfare of Animals during Transport\) \(Jersey\) Regulations 2013](#);
 - (l) the [EU Legislation \(Wild Aquatic Animals – Food and Feed\) \(Jersey\) Regulations 2019](#);
 - (m) the [EU Legislation \(Monitoring of Residues in Animals\) \(Jersey\) Regulations 2019](#); and
 - (n) any enactment made under any of the enactments in sub-paragraphs (a) to (m).
- (3) Nothing in paragraph (2)(n) applies to the exercise, on or after the repeal date, of a power, conferred by an enactment listed in any of paragraphs (2)(a) to (m), to make Regulations or an Order.

5 Citation

This Order may be cited as the Animal Health and Welfare (Temporary Continuance of Effect of European Union Legislation) (Jersey) Order 2019.

6 Commencement and expiry

- (1) This Order comes into force on the commencement of Article 2 of the [European Union \(Repeal and Amendment\) \(Jersey\) Law 2018](#).
- (2) This Order ceases to have effect 9 months after it comes into force.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Animal Health and Welfare (Temporary Continuance of Effect of European Union Legislation) (Jersey) Order 2019	R&O.105/2019	11 p.m. on 31 December 2020 (R&O.189/2020)	

°Projects available at statesassembly.gov.je

Table of Endnote References

¹ This Order ceased to have effect at 11 p.m. on 30 September 2021