



Jersey

# **ANIMAL HEALTH (RABIES) (JERSEY) ORDER 2016**

## **Official Consolidated Version**

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Jersey

## ANIMAL HEALTH (RABIES) (JERSEY) ORDER 2016

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## ANIMAL HEALTH (RABIES) (JERSEY) ORDER 2016

**THE MINISTER FOR THE ENVIRONMENT**, in pursuance of Articles 2(2), 4(2), 7, 17(8) and 32 of the [Animal Health \(Jersey\) Law 2016](#), orders as follows –

Commencement [[see endnotes](#)]

### PART 1

#### INTRODUCTORY PROVISIONS

#### 1 Interpretation

In this Order, unless the context otherwise requires –

- “animal” means a mammal other than a human being;
- “cat” means an animal belonging to the species *Felis catus* of the order of mammals *Carnivora* or a hybrid of that species;
- “contact premises” means premises that are designated as such under Article 5(1);
- “dog” means an animal belonging to the species *Canis familiaris* of the order of mammals *Carnivora* or a hybrid of that species;
- “infection zone” means a zone declared to be such under Article 8(2);
- “infected premises” means a place declared to be such under Article 7(1);
- “Law” means the [Animal Health \(Jersey\) Law 2016](#);
- “suspect animal” means an animal suspected to be or to have been infected with rabies;
- “suspect premises” means premises designated as such under Article 4(1);
- “temporary control zone” means a zone declared as such under Article 6(1).

#### 2 Application

- (1) For the purposes of this Order the definition of “animal” in Article 4 of the Law is extended to include all mammals except human beings.
- (2) This Order applies only to rabies.
- (3) This Order does not apply to any specified animal pathogen that is the subject of a licence under Article 15(1) of the Law or to which that Article does not apply.

## **PART 2**

### **SUSPICION OF RABIES**

#### **3 Initial investigation**

A veterinary inspector who investigates following notification of rabies under Article 12(1) or 15(2) of the Law and cannot rule out the presence of rabies must according to his or her findings –

- (a) confirm that rabies is still suspected and serve a notice under Article 4(1)(a); or
- (b) confirm the presence of rabies and serve a notice under Article 7(1).

#### **4 Measures on suspicion of rabies**

- (1) Where a veterinary inspector suspects that an animal or carcase infected with rabies is or has been present on any premises such that the premises continue to pose the risk of spread of rabies –
  - (a) an inspector must serve a notice on the occupier designating premises as suspect premises, as well as any other occupier or keeper of a suspect animal that the veterinary inspector considers may be affected by the measures in Schedule 1, following which Schedule 1 applies; and
  - (b) a veterinary inspector must take all reasonable steps to establish whether or not rabies is present at the suspect premises.
- (2) Any occupier on whom a notice is served must inform any other person affected by the measures imposed by the notice.
- (3) The notice served under paragraph (1) may be revoked only if a veterinary inspector is satisfied that no animal is infected with rabies at the suspect premises.
- (4) On the revocation of the notice the measures in Schedule 1 cease to apply.

#### **5 Measures on contact premises**

- (1) If an animal on premises other than suspect or infected premises has had contact with a suspect animal (whether or not showing clinical signs of rabies) or an animal confirmed to have rabies, an inspector may serve a notice on the occupier designating those premises as contact premises, as well as any other occupier or keeper of a suspect animal that the veterinary inspector considers may be affected by the measures in Schedule 1, following which Schedule 1 applies.
- (2) Any occupier on whom a notice is served must inform any other person affected by the measures imposed by the notice.
- (3) The notice served under paragraph (1) may be revoked only if a veterinary inspector is satisfied that no animal is infected with rabies at the contact premises.
- (4) On the revocation of the notice the measures in Schedule 1 cease to apply.

#### **6 Temporary controlled zone**

- (1) The Minister may declare a temporary controlled zone around suspect premises.
- (2) The temporary controlled zone must be of such extent as the Minister considers necessary to reduce the risk of the spread of rabies as far as practicable.

- (3) The declaration may apply all or any of the measures in Schedule 2 and any other measure that the Minister considers necessary in all or part of the temporary controlled zone in order to prevent or reduce the risk of the spread of rabies.
- (4) Any part of a temporary controlled zone that is subsequently incorporated into an infection zone will cease to exist as a temporary controlled zone.
- (5) The Minister must revoke the declaration of a temporary controlled zone if the presence of rabies has been ruled out on suspect premises.

## **PART 3**

### **INFECTED PREMISES AND INFECTION ZONE**

#### **7 Designation of premises as infected premises when presence of rabies confirmed**

- (1) If the States Veterinary Officer is satisfied that rabies is or has been present on premises such that the premises continue to pose the risk of its spreading, a veterinary inspector must serve a notice on the occupier designating the premises as infected premises as well as any other occupier or keeper of a suspect animal that the veterinary inspector considers may be affected by the measures in Schedule 1.
- (2) Where such a notice is served the measures in Schedule 1 apply or continue to apply together with any further measures specified in the notice as a veterinary inspector considers necessary to contain the rabies.
- (3) Any occupier on whom a notice is served must inform any other person affected by the measures imposed by the notice.
- (4) A veterinary inspector must not revoke a notice served under paragraph (1) unless the States Veterinary Officer is satisfied that rabies virus is no longer on the premises.

#### **8 Infection zone**

- (1) This Article applies where rabies has been confirmed on premises.
- (2) The Minister may declare an infection zone around the premises.
- (3) The zone must be centred on the part of the premises that the Minister considers most appropriate for the control of rabies and be of such size and shape as the Minister considers necessary to reduce the risk of spread of rabies.
- (4) The declaration may apply all or any of measures in Schedule 2 and any other measure that the Minister considers necessary in all or part of the infection zone in order to prevent or reduce the risk of the spread of rabies.
- (5) In particular, the Minister may ban any sporting or recreational activities that the States Veterinary Officer considers might risk the spread of rabies.
- (6) The Minister must revoke the declaration of an infection zone once he or she is satisfied that there is no further risk of the spread of rabies within the zone.

## PART 4

### GENERAL MEASURES

#### 9 Killing

- (1) Article 17 of the Law applies to rabies.
- (2) If premises are designated as suspect, contact or infected premises, the States Veterinary Officer may arrange for the killing of animals on the premises unless Article 17(5) of the Law applies.
- (3) Where the Minister considers it necessary to reduce the risk of spread of rabies, he or she may kill any wild animal.
- (4) If an animal other than a wild animal is killed under this Order, the Minister must arrange for the disposal of the carcase.

#### 10 Compulsory vaccination of animals

- (1) The Minister may require animals to be vaccinated in the infection zone or by the declaration of a separate vaccination zone.
- (2) When vaccination is required of any animal under paragraph (1), the keeper of such an animal must ensure it is vaccinated in accordance with that paragraph.
- (3) A veterinary inspector may serve a notice on the keeper of an animal requiring him or her to vaccinate it in accordance with the notice (whether or not a vaccination has been required by a zone declared under paragraph (1)).
- (4) Where an animal is vaccinated under this Article, the keeper must ensure that it is marked in such manner, or provided with such other means of identification, as the Minister may require.
- (5) If a person contravenes this Article, the Minister may cause the animal to be seized and –
  - (a) arrange for the requirements of this Article to be carried out; or
  - (b) destroy the animal and dispose of its carcase, or otherwise dispose of the animal as the Minister thinks fit.
- (6) The reasonable expenses of the Minister incurred in seizing, vaccinating, marking or identifying, destroying or disposing of an animal under this Article are recoverable by the Minister from the animal's keeper as a debt due to the States without its affecting any proceedings arising for an offence against the Law.
- (7) The cost of any vaccination under this Article is to be borne by the keeper unless the declaration or notice, as the case may be, states otherwise.

#### 11 Erection of warning notices

The Minister may place notices in such manner as he or she thinks fit –

- (a) at any place within and on the boundaries of an infection zone indicating that it is an infection zone; and
- (b) on the boundaries of and on any access to land on which the killing of wild animals is to be carried out in accordance with Article 9(3).

## **PART 5**

### **CLOSING PROVISION**

#### **12 Citation**

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



**SCHEDULE 1**

(Articles 4(1)(a), 5(1) and 7(2))

**MEASURES ON SUSPECT, CONTACT AND INFECTED PREMISES****1 Interpretation**

In this Schedule “premises” means suspect premises, contact premises or infected premises as the case may be.

**2 Detention and isolation of suspect animals**

A person –

- (a) must detain and isolate a suspect animal and any other animal on the premises that has been in contact with a suspect animal as required by a veterinary inspector;
- (b) must not move such animals from the premises unless licensed by a veterinary inspector.

**3 Contact with suspect animals**

A person who is not an inspector or the keeper of an animal at the time it becomes a suspect animal must not have contact with a suspect animal except under the authority of a licence issued by a veterinary inspector.

**4 Movement and disposal of carcasses**

A person must not move a carcass of a suspect animal from any premises except under the authority of a licence granted by a veterinary inspector and must dispose of the carcass in a way specified in the notice.

**5 Euthanasia of a suspect animal by its keeper**

- (1) A keeper of a suspect animal who intends to euthanize it must inform the Minister.
- (2) If a veterinary inspector so requires, the person undertaking the euthanasia must not damage the head and neck of the animal and must make the carcass available to a veterinary inspector for veterinary investigation.

**6 Notice of death of a suspect animal**

The keeper of a suspect animal, or the occupier of the premises must immediately give notice to the Minister after the death of any such animal on the premises and make its carcass available to a veterinary inspector for veterinary investigation.

**7 Removal of things likely to be contaminated**

A person must not remove from the premises any bedding, litter, dung, utensil, or other thing likely to be contaminated by rabies except under the authority of a licence issued by a veterinary inspector.

**8 Disinfection**

An inspector may serve a notice on the occupier of the premises requiring cleansing and disinfection to such an extent, in such a way and using such cleansing agent or disinfectant as is specified in the notice.

**9 Signs**

A veterinary inspector may by notice require the occupier of premises to display signs in a form specified in the notice.

## SCHEDULE 2

(Article 6(3) and 8(4))

### MEASURES IN A TEMPORARY CONTROLLED ZONE OR AN INFECTION ZONE

#### 1 Restriction of movement of animals into and out of zone

A person must not move animals into or out of a temporary controlled zone or an infection zone, as the case may be, except under the authority of a licence issued by a veterinary inspector.

#### 2 Control of dogs and cats

- (1) The keeper of a dog or cat must ensure that it –
  - (a) is at all times securely confined within the premises where it usually lives, or a part of such premises, and does not stray or escape;
  - (b) does not come into contact with any other animal, other than an animal with which it is normally in contact at the premises.
- (2) However, the keeper of a dog or cat may –
  - (a) exercise it outside the premises, on condition that, throughout the period of exercise, it is –
    - (i) held securely on a leash and not allowed to run free,
    - (ii) prevented from coming into contact with any other animal, other than an animal with which it is normally in contact at the premises where it usually lives, and
    - (iii) securely fitted with a muzzle if it is a dog;
  - (b) move it to other premises within Jersey if –
    - (i) whilst being moved, it is either controlled as specified in clause (a), or carried in a suitable secure container so that it is prevented from coming into contact with any other animal, other than an animal with which it is normally in contact at the premises where it usually lives, and
    - (ii) it does not come into contact with any other animal at the premises to which it is moved unless licensed by a veterinary inspector.
- (3) Despite sub-paragraphs (1) and (2) if a veterinary inspector is satisfied that, having regard to the purpose for which a particular dog or cat is kept, any of the requirements of those sub-paragraphs unduly restrict its suitability for that purpose, he or she may license the keeper to comply with different measures as required by the licence.

#### 3 Control of animals other than dogs and cats

- (1) The keeper of an animal other than a dog or cat must ensure that it –
  - (a) is at all times securely confined within the premises where it usually lives, or a part of such premises, and does not stray or escape;

- (b) does not come into contact with any other animal, other than an animal with which it is normally in contact at the premises.
- (2) However, the keeper of the animal may –
  - (a) exercise an animal that is normally exercised outside the premises on condition that, throughout the period of exercise, it is –
    - (i) closely controlled and properly restrained by the person in charge of the animal, and in no circumstances permitted to run free, and
    - (ii) prevented from coming into contact with any other animal, other than an animal with which it is normally in contact at the premises where it usually lives;
  - (b) move it to other premises within Jersey if –
    - (i) whilst being moved it is kept under proper control and restraint, and cannot come into contact with any other animal, other than an animal with which it is normally in contact at the premises where it usually lives, and
    - (ii) it does not come into contact with any other animal at the premises to which it is moved unless licensed by a veterinary inspector.
- (3) Despite sub-paragraphs (1) and (2) if a veterinary inspector is satisfied that, having regard to the purpose for which a particular animal is kept, any of the requirements of those sub-paragraphs unduly restrict its suitability for that purpose, he or she may license the keeper to comply with different measures as required by the licence.

#### **4 Seizure, detention and disposal of animals not under control**

- (1) The Minister or a police officer –
  - (a) may seize and detain an animal to which paragraphs 2 or 3 apply and which is not confined or controlled as required by those paragraphs; and
  - (b) must take all reasonable steps to publicize the address of any place at which animals so seized are detained.
- (2) The animal seized must be detained for 3 days, unless claimed by its keeper within that period.
- (3) A veterinary inspector may require the seized animal to be detained at its keeper's expense at such place and for such additional period as the veterinary inspector may direct.
- (4) Where an additional period of detention has been directed in respect of the animal under sub-paragraph (3) and the keeper –
  - (a) fails to enter into an arrangement satisfactory to the Minister for meeting the reasonable expenses incurred or to be incurred in connection with such additional period of detention; or
  - (b) fails to comply with the terms of such an arrangement,the Minister may cause the animal to be destroyed and its carcase disposed of, or otherwise dispose of the animal as the Minister may think fit.
- (5) If an animal seized under this paragraph is not claimed by its keeper within the period specified in sub-paragraph (2), the Minister may cause the animal to be destroyed and its carcase disposed of, or otherwise dispose of the animal as the Minister may think fit.

- (6) The reasonable expenses of the Minister incurred in seizing, detaining, destroying or disposing of an animal or carcase under this paragraph are recoverable by the Minister from the animal's keeper as a debt due to the States without its affecting any proceedings arising for an offence against the Law.
- (7) Where circumstances prevent an animal liable to be seized under this paragraph from being so seized, an inspector or police officer may destroy the animal without so seizing it.

## **5 Prohibition of certain activities**

- (1) Unless licensed by a veterinary inspector, a person must not arrange –
  - (a) the racing or coursing, or the training for racing or coursing, of any dog;
  - (b) point-to-point meetings;
  - (c) drag-hunting;
  - (d) the shooting or attempted shooting of game or other wildlife; and
  - (e) the gathering of any animals.
- (2) A person must not take an animal to an activity mentioned in sub-paragraph (1) unless the activity is licensed under that sub-paragraph.

## **6 Notification of deaths of animals**

- (1) A person who knows of the death of an animal or who finds the carcase of an animal must report the fact to the Minister, unless he or she has reasonable grounds for believing that the animal did not die from rabies, or the fact of its death has already been reported.
- (2) The carcase of every animal reported to the Minister under sub-paragraph (1) belongs to the Minister, and must be buried or otherwise disposed of in such manner as the Minister may determine.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Animal Health (Rabies) (Jersey) Order 2016	<a href="#">R&amp;O.122/2016</a>	1 February 2017

### Table of Renumbered Provisions

Original	Current
12	Spent, omitted
13	12
13(2)	Spent, omitted

### Table of Endnote References

*There are currently no endnote references*