



Jersey

**ANIMAL HEALTH (IMPORTATION OF
MISCELLANEOUS GOODS AND
ANIMALS) (JERSEY) ORDER 2017**

Revised Edition

02.020.41

Showing the law as at 1 January 2018

This is a revised edition of the law



Jersey

ANIMAL HEALTH (IMPORTATION OF MISCELLANEOUS GOODS AND ANIMALS) (JERSEY) ORDER 2017

Arrangement

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Jersey

ANIMAL HEALTH (IMPORTATION OF MISCELLANEOUS GOODS AND ANIMALS) (JERSEY) ORDER 2017

Adopted by the States

24th January 2017

Registered by the Royal Court

1st February 2017

THE MINISTER FOR THE ENVIRONMENT, in pursuance of Articles 7(1) and 32(2) of the Animal Health (Jersey) Law 2016¹, orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“animal or item” means an animal or item indicated in the second column of the table in the Schedule;

“Council Directive 97/78/EC” means Council Directive 97/78/EC of 18th December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (O.J. No. L24 30.1.1998 page 9);

“member state” means a member State of the European Union.

2 Regulation of imports

(1) Subject to this Order and despite anything to the contrary in the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011², a person must not import into Jersey any animal or item indicated in the second column of the table in the Schedule from one or more countries indicated opposite in the third column of that table unless –

- (a) the importation is within the exception specified opposite in the fourth column of that table; or
- (b) the person is authorized to make the importation by a licence granted by the Minister.

(2) A licence under this Order may –

- (a) relate to any one animal or item that falls within a prohibition in the Schedule, or to more than one such animal or item;
 - (b) be granted to a particular person, to persons of a class or to all persons; and
 - (c) be granted subject to conditions specified in the licence or unconditionally.
- (3) This Order does not limit the need to comply with the requirements of any other enactment that regulates the importation into Jersey of any animal or item.

3 Provision as to licences

- (1) If –
- (a) a person makes an importation under the authority of a licence under this Order (whether or not the person is named in the licence); and
 - (b) the importation is not within the relevant exception (if any) specified in the fourth column of the table in the Schedule,
- the person must comply with any conditions to which the licence is subject.
- (2) A licence granted under this Article may be revoked, suspended or varied at any time by the Minister.
- (3) The Minister must publish on a website maintained by the States of Jersey any licence granted under this Order that applies to all persons.

4 Enforcement

- (1) For the purpose of ensuring that the requirements of this Order, or any licence granted under this Order, are complied with an inspector may –
- (a) stop any person or vehicle; and
 - (b) carry out any search, check or inspection.
- (2) A person searching a person under this Article may not require a person to remove any of his or her clothing other than an outer coat, jacket, headgear, gloves and footwear.
- (3) A search of a person under this Order must be carried out by someone of the same sex.
- (4) An inspector may seize, or cause to be seized any animal or item that there is reason to believe has been landed in Jersey in contravention of this Order or any licence granted under this Order.
- (5) If an animal has been seized under paragraph (4), an inspector may, without affecting any proceedings arising from any such contravention, and subject to such conditions as the inspector thinks fit –
- (a) move the animal, or cause it to be moved, to such premises for such period as the inspector may direct; or

- (b) export it from Jersey, or cause it to be exported.
- (6) The owner of an animal or item is liable for the cost of any action taken by an inspector under paragraph (4) or (5).
- (7) The Minister may arrange for the disposal of any animal or item landed in Jersey in contravention of this Order, or a licence granted under this Order, and may recover any expenses reasonably incurred in so doing from the owner of the animal or item as debt due to the Minister.
- (8) This Article does not limit any power conferred on an inspector under the Animal Health (Jersey) Law 2016³.
- (9) Nothing in this Article affects the powers of the officers of the Impôts to seize or detain as liable to forfeiture under the Customs and Excise (Jersey) Law 1999⁴ an animal or item landed in Jersey in contravention of this Order or to institute legal proceedings under that Law in respect of such contravention.

5 Saving

Any licence granted under the Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012⁵ that is still in force at the commencement of this Order is treated as having been granted under this Order.

6 Citation

This Order may be cited as the Animal Health (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2017.

SCHEDULE

(Article 2)

PROHIBITIONS

Prohibition Number	Animal or item	Country of origin	Exceptions
1	Hay, straw, reed, grass meal and cubes and mixtures containing grass meal.	All countries, excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
2	Fertilizers of any description.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
3	Peat of any description, moss litter and leaf mould.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
4	A live animal, or an animal product, that is subject to harmonized health rules, within the meaning of the EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016 ⁶ , other than Bovidae and animals mentioned in prohibition Number 5.	All member states (except the UK), Liechtenstein, Switzerland and Norway.	This prohibition does not apply to the importation of a live animal or an animal product – (a) that is imported from a member State in compliance with the EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016; or (b) that originated outside the Community area and is imported in compliance with those Regulations, pursuant to Regulation 5(2) of the EU Legislation (Veterinary

Prohibition Number	Animal or item	Country of origin	Exceptions
			Checks – Imports from Third Countries) (Jersey) Regulations 2016 ⁷ .
5	Antilocapridae, Camelidae, Caprinae, Cervidae, Giraffidae, Suidae and Tragulidae.	All countries.	
6	Semen, ova and embryos of Bovidae and of animals mentioned in prohibition Number 5.	All countries.	This prohibition does not apply in relation to the importation of – (a) semen that complies with the Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008 ⁸ ; or (b) embryos of domestic cattle of the genus <i>Bos</i> , <i>Bubalus bubalis</i> or <i>Bison bison</i> to the extent that such import is subject to, and complies with, the Community Provisions (Bovine Embryos) (Jersey) Regulations 2010 ⁹ .
7	Badger.	All countries.	
8	Coypu.	All countries.	
9	Fox.	All countries.	
10	Grey Squirrel.	All countries.	
11	Mink.	All countries.	
12	Muskrat.	All countries.	
13	Live lobsters of the species <i>Homarus americanus</i> .	All countries.	
14	Reptiles.	All countries.	
15	Amphibians.	All countries.	
16	Rawhide.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	

Prohibition Number	Animal or item	Country of origin	Exceptions
17	Unboiled fats.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
18	All feeding stuffs containing protein originating from animals.	All countries.	This prohibition shall not apply to – (a) milk and milk products; (b) dicalcium bone phosphate; (c) dog biscuits and similar manufactured dog foods containing bone meal or meat meal.
19	All products of animal origin as defined in the definition “products” in Article 2(2)(a) of Council Directive 97/78/EC.	All countries excluding member states, Liechtenstein, Switzerland, Norway, the Bailiwick of Guernsey, the Isle of Man, Andorra, San Marino, and, in respect of personal consignments of fishery products only, the Faroe Islands and Iceland.	The prohibition shall not apply to the extent that such products are not subject to Chapter 1 of Council Directive 97/78/EC by virtue of the following provisions – (a) Article 16 of that Directive; and (b) (where applicable) Article 2 of Commission Regulation (EC) No. 206/2009 of 5th March 2009 on the introduction into the Community of personal consignments of products of animal origin (O.J. No. L77 24.3.2009, page 1).

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Animal Health (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2017	R&O.11/2017	1 February 2017

Table of Renumbered Provisions

Original	Current
6	Spent, omitted
7	6

Table of Endnote References

1	<i>L.12/2016</i>
2	<i>chapter 02.400.70</i>
3	<i>L.12/2016</i>
4	<i>chapter 24.660</i>
5	<i>chapter 02.400.20</i>
6	<i>R&O.33/2016</i>
7	<i>R&O.32/2016</i>
8	<i>chapter 01.480.10</i>
9	<i>chapter 17.245.86</i>