



Jersey

ANIMAL WELFARE (JERSEY) LAW 2004

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ANIMAL WELFARE (JERSEY) LAW 2004

Arrangement

Article

PART 1		5
<hr/>		
	PRELIMINARY	5
1	Interpretation.....	5
2	Meaning of “protected animal”.....	6
3	Meaning of “restricted procedure”.....	7
PART 2		8
<hr/>		
	OFFENCES AGAINST ANIMALS	8
4	Cruelty and unnecessary suffering.....	8
5	Neglect and abandonment.....	8
6	Performance of operations.....	9
7	Use of poisons.....	9
8	Liability of owner or person having care of animal.....	9
9	Defences.....	10
10	Animal fights and shooting events.....	10
11	Prohibition of restricted procedures.....	10
12	General penalty for offences under Part 2.....	11
PART 3		11
<hr/>		
	LICENSING	11
13	Interpretation of Part 3.....	11
14	Businesses and use of animals.....	11
15	Animal sanctuaries.....	12
16	Exemptions.....	12
17	Application for licence.....	13
18	Grant of licence.....	13
19	Amendment or addition of condition of licence.....	13
20	Revocation and suspension of licence.....	14
21	Appeals.....	14
22	Inspections.....	15

23	Recovery of inspection costs	15
24	Offence of failing to comply with licence	15
25	Offence of providing false information in connection with licence	16

PART 4 **16**

ENFORCEMENT AND FURTHER OFFENCES 16

26	Entry by warrant where offence suspected	16
27	General power of seizure	17
28	Recovery of expenses incurred under Article 26 or 27	17
29	Powers of court after charge	17
30	Powers of court on conviction	19
31	General provisions as to disqualification.....	20
32	Offences connected with animal fights.....	20
33	Offence of obstruction	21
34	Offence committed by body corporate etc.....	21
35	Offence of aiding or abetting, etc.	21

PART 5 **21**

MISCELLANEOUS AND SUPPLEMENTAL 21

36	Welfare codes	21
37	Power of States Veterinary Officer to destroy animal.....	22
38	Notices	22
39	Orders	23
40	Citation	23

SCHEDULE **24**

OPERATIONS WHICH MAY BE PERFORMED WITHOUT ANAESTHETIC	24
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Supporting Documents

ENDNOTES **25**

Table of Legislation History	25
Table of Renumbered Provisions	25
Table of Endnote References	26



Jersey

ANIMAL WELFARE (JERSEY) LAW 2004¹

A **LAW** to consolidate and revise the laws promoting the welfare of animals and the prevention of suffering by animals, to regulate the keeping and use of animals, and for connected purposes.

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation

(1) In this Law, unless the context requires otherwise –

“animal” means any amphibian, bird, fish, mammal or reptile;

“captive animal” means any animal (not being a domestic animal) which is kept by man in a state of captivity or confinement;

“domestic animal” means any cat, cattle, dog, goat, horse, pig, poultry or sheep and any other animal of whatever kind or species which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

“horse” includes ass, donkey, mule and hinny;

“inspector” means a person authorized as such pursuant to Article 22(1);

“land” includes water;

“Minister” means the Minister for the Environment;

“operation” means any operation, with or without the use of instruments, which involves interference with the sensitive tissues or the bone structure of an animal;

“owner”, in relation to any land or premises, means the person having the enjoyment thereof, either as owner or usufructuary owner or in the

exercise of rights of dower, “franc veuvage”, seigniorialty or otherwise and includes the authorized agent of such person;

“poison” means any poisonous or noxious substance;

“poultry” means any domestic fowl, duck, goose, guinea fowl, partridge, peafowl, pheasant, pigeon, quail or turkey;

“premises” includes land;

“prescribed” means prescribed by Order of the Minister;

“protected animal” has the meaning given in Article 2;

“restricted procedure” has the meaning given in Article 3;

“sale” includes barter and exchange;

“States Veterinary Officer” means a person appointed as such under Article 5 of the Animal Health (Jersey) Law 2016²;

“suffering” includes mental distress.³

- (2) In this Law, a reference to the owner or person having care of an animal includes, where that person is less than 16 years old, that person’s parent or, if different, the person having charge of or control over that person.

2 Meaning of “protected animal”

- (1) Subject to this Article, “protected animal” means any living vertebrate other than man.
- (2) Any such vertebrate in its foetal, larval or embryonic form is a protected animal only from the stage of its development when –
- (a) in the case of a bird, mammal or reptile, half the gestation or incubation period for the relevant species has elapsed; and
 - (b) in any other case, it becomes capable of independent feeding.
- (3) The Minister may by Order –
- (a) extend the definition of protected animal so as to include invertebrates of any description;
 - (b) alter the stages of development specified in paragraph (2); and
 - (c) make provision in lieu of paragraph (2) as respects any animal which becomes a protected animal by virtue of an Order under sub-paragraph (a).
- (4) For the purposes of this Article, an animal shall be regarded as continuing to live until the permanent cessation of circulation or the destruction of its brain.
- (5) In this Article, “vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and “invertebrate” means any animal not of that Sub-phylum.

3 Meaning of “restricted procedure”

- (1) Subject to this Article, “restricted procedure” means any experimental or other scientific procedure applied to a protected animal which may have the effect of causing that animal pain, suffering, distress or lasting harm.
- (2) An experimental or other scientific procedure applied to an animal is also a restricted procedure if –
 - (a) it is part of a series or combination of such procedures (whether the same or different) applied to the same animal;
 - (b) the series or combination may have the effect mentioned in paragraph (1); and
 - (c) the animal is a protected animal throughout the series or combination or, in the course of it, attains the stage of its development when it becomes such an animal.
- (3) Anything done for the purposes of, or liable to result in, the birth or hatching of a protected animal is also a restricted procedure if it may, as respects that animal, have the effect mentioned in paragraph (1).
- (4) In determining whether any procedure may have the effect mentioned in paragraph (1), the use of an anaesthetic or analgesic, decerebration and any other procedure applied to such an animal, for the purposes of any experimental or other scientific procedure, shall itself be a restricted procedure.
- (5) The ringing, tagging or marking of an animal, or the application of any other humane procedure for the sole purpose of enabling an animal to be identified, is not a restricted procedure if it causes only momentary pain or distress and no lasting harm.
- (6) ⁴
- (7) Killing a protected animal is a restricted procedure only if –
 - (a) it is killed for experimental or other scientific use;
 - (b) the premises or place where it is killed are licensed under Regulations made under Article 11 as premises or a place where restricted procedures may be applied; and
 - (c) the method employed is specified in those Regulations as not appropriate to the animal.
- (8) In this Article, references to a scientific procedure do not include references to any recognized veterinary, agricultural or animal husbandry practice.

PART 2**OFFENCES AGAINST ANIMALS****4 Cruelty and unnecessary suffering**

- (1) It shall be an offence for a person to cruelly beat, kick, cut, impale, burn, stone, crush, drown, drag, asphyxiate, over-drive, overload, over-ride, torture, worry, infuriate, terrify, ill-treat or do any like act to any animal.
- (2) It shall be an offence for a person, without reasonable cause or excuse, to do or omit to do any act so as to cause unnecessary suffering to a domestic animal or captive animal.
- (3) It shall be an offence for a person to convey or carry any domestic animal or captive animal in such manner or position as to cause the animal unnecessary suffering.
- (4) It shall be an offence for a person to tether any domestic animal or captive animal under such conditions or in such manner as to cause the animal unnecessary suffering.
- (5) If, on the trial of the owner or a person having care of a domestic animal or captive animal charged with an offence under paragraph (2), (3) or (4) in respect of that animal, the court or jury, as the case may be, is of the opinion that the accused is not guilty of that offence but is guilty of an offence under Article 5 then, without prejudice to any other powers of the court, the accused may be found guilty of an offence under Article 5.

5 Neglect and abandonment

- (1) It shall be an offence for the owner or person having care of a domestic animal or captive animal, without reasonable cause or excuse –
 - (a) to omit to supply the animal with –
 - (i) fresh drinking water, and
 - (ii) a wholesome diet appropriate to its species, age, weight and behavioural and physiological needs,
in sufficient quantity and with sufficient regularity to maintain the animal in good health and promote a positive state of well-being;
 - (b) to omit to provide the animal with suitable shelter sufficient to the maintenance of its good bodily condition;
 - (c) to omit to provide the animal with veterinary care sufficient to maintain the animal in good health or, where such maintenance is not possible, to prevent any unnecessary deterioration in the animal's health or any unnecessary suffering; or
 - (d) to abandon or cause or procure the abandonment of the animal, whether permanently or not, in circumstances likely to cause it unnecessary suffering.
- (2) A person guilty of an offence under this Article shall be liable to a fine of level 3 on the standard scale.⁵

6 Performance of operations

- (1) It shall be an offence for a person to subject an animal to an operation which is performed without due care and humanity.
- (2) Without prejudice to the generality of paragraph (1), an operation performed on an animal without the use of an anaesthetic so administered as to prevent any pain during the operation is, for the purposes of that paragraph, an operation performed without due care and humanity.
- (3) Paragraph (2) shall not apply to the performance of an operation included in the Schedule.
- (4) The Minister may by Order –
 - (a) amend the Schedule; and
 - (b) declare any substance to be a suitable anaesthetic for the purposes of this Article in relation to such animals as may be specified in the Order.

7 Use of poisons

- (1) It shall be an offence for a person to administer to or cause to be taken by an animal –
 - (a) any prohibited poison; or
 - (b) any restricted poison, otherwise than in accordance with the restrictions attached to its use.
- (2) It shall be an offence for a person, without reasonable cause or excuse, to administer to or cause to be taken by an animal any restricted poison (whether or not in accordance with the restrictions attached to its use) or any poison which is neither prohibited nor restricted.
- (3) Where the Minister is satisfied that a poison cannot be used for destroying animals or animals of any description without causing undue suffering and that other suitable methods of destroying them exist and would, in certain circumstances, be adequate the Minister may by Order –
 - (a) prohibit the use of that poison; or
 - (b) restrict the use of that poison for destroying animals or animals of any description, in any specified circumstances,and any reference in this Article to a prohibited or restricted poison or to the restrictions attached to the use of a poison shall be construed accordingly.

8 Liability of owner or person having care of animal

A person who, being the owner or person having care of an animal, permits any offence under Articles 4 to 7 to be committed in respect of that animal, or unreasonably fails to prevent the commission or continuation of such an offence, shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

9 Defences

Articles 4 to 7 shall not apply to –

- (a) any act made lawful by Regulations made under Article 11; or
- (b) the commission or omission of any act in the course of the destruction of any domestic animal or captive animal as food for mankind, unless the destruction was accompanied by the infliction of unnecessary suffering.

10 Animal fights and shooting events

- (1) It shall be an offence for a person to take part or assist in the fighting or baiting of an animal or to keep, use, manage or act in the management of, any premises used wholly or partly for the purpose of the fighting or baiting of an animal, or to receive money for the admission of any person to such premises.
- (2) It shall be an offence for a person to promote, arrange, conduct, assist in, receive money for or take part in any event whatsoever at which or in the course of which captive animals are liberated by hand or by any other means whatsoever for the purpose of being shot immediately after their liberation or for the owner or occupier of any land, to permit that land to be used for the purpose of such an event.

11 Prohibition of restricted procedures

- (1) It shall be an offence for a person to apply a restricted procedure to any animal, except under the authority of and in accordance with such licence or licences as may be granted for the purpose under paragraph (2).
- (2) The States may by Regulations establish a scheme for the grant and administration of licences by the Minister making lawful the application of restricted procedures to protected animals.
- (3) Without limiting paragraph (2), Regulations may provide for –
 - (a) the licensing of individuals to apply certain restricted procedures to certain animals;
 - (b) the licensing of programmes of work which may include the application of certain restricted procedures to certain animals;
 - (c) the licensing of premises or places at which certain restricted procedures may be applied to certain animals;
 - (d) the payment of a fee on an application for and on the grant or renewal of a licence to be set by Order of the Minister;
 - (e) the circumstances in which a licence may or may not be granted;
 - (f) the period of validity of any licence and the suspension, renewal and revocation of licences;
 - (g) the empowering of persons authorized by the Minister to enter and carry out inspections of premises, places and facilities at which any restricted procedure is applied to an animal and to carry out tests on such animals;

- (h) the recovery of expenses incurred by the Minister in obtaining inspections, tests and reports for the purpose of determining an application for a licence or for the purpose of monitoring the application of restricted procedures to animals under authority of a licence and arrangements for the keeping of such animals; and
 - (i) a right of review of or appeal against any decision of the Minister to refuse to grant or renew a licence, to attach conditions to a licence or vary such conditions or to suspend or revoke a licence.⁶
- (4) The scheme may include provision –
- (a) specifying the conditions to be attached to a licence and conferring a discretion on the Minister to attach other conditions to a licence;
 - (b) for the variation of conditions attached to a licence;
 - (c) requiring holders of licences to make returns of information to the Minister.⁷
- (5) ⁸
- (6) The conditions that shall or may be attached to a licence may include provisions regulating the further use or disposal of an animal to which a restricted procedure has been applied.

12 General penalty for offences under Part 2

A person guilty of an offence under this Part, other than an offence under Article 5, shall be liable to imprisonment for a term of 12 months and a fine of level 3 on the standard scale.⁹

PART 3

LICENSING

13 Interpretation of Part 3

In this Part, “licence” means a licence granted under Article 18 and “licensee” shall be construed accordingly.

14 Businesses and use of animals

- (1) It shall be an offence for a person, in the course of carrying on a business, to undertake any one or more of the activities described in paragraph (2) otherwise than with the authority of and in accordance with a licence.
- (2) The activities are –
 - (a) the keeping of 5 or more female cats, dogs, guinea pigs, horses or rabbits at any premises (including a private dwelling) for the purpose of breeding for sale, whether by the person commencing or carrying on the business or any other person;

- (b) the provision, for reward, of accommodation for other people's dogs or cats at any premises (excluding a private dwelling, unless the dogs or cats are accommodated only in any yard, garden, garage, outhouse or other appurtenance forming part of the dwelling);
 - (c) the grooming, for reward, of other people's animals at any premises (including a private dwelling), whether or not the animals are kept at those premises;
 - (d) the sale, from premises other than a private dwelling, of animals wholly or mainly for domestic purposes or the keeping of animals, at premises other than a private dwelling, with a view to such sale, whether by the person carrying on the business or any other person;
 - (e) the keeping or use of any animal wholly or mainly for the purpose of performing tricks or manoeuvres for reward for the entertainment of the public;
 - (f) the keeping of animals wholly or mainly for the purpose of exhibition to the public at any premises to which members of the public have access, with or without charge for admission, on 7 days or more in any period of 12 consecutive months.
- (3) A person guilty of an offence under paragraph (1) shall be liable to a fine of level 3 on the standard scale.¹⁰
- (4) The States may by Regulations amend paragraph (2).

15 Animal sanctuaries

- (1) It shall be an offence for a person to establish or keep an animal sanctuary, except under the authority of a licence.
- (2) For the purposes of paragraph (1), a person establishes or keeps an animal sanctuary if that person regularly receives into his or her care –
- (a) domestic animals or captive animals which are or appear to be unwanted or to have been lost or abandoned by their owner or which can no longer be kept by their owner; or
 - (b) any other animals,
- for the purpose of their temporary or permanent accommodation at any premises (including a private dwelling), whether with or without the provision of any treatment.
- (3) A person guilty of an offence under paragraph (1) shall be liable to a fine of level 3 on the standard scale.¹¹

16 Exemptions

- (1) Article 14(1) shall not apply to a person commencing or carrying on a business of a description or class that has been exempted by Order of the Minister.

- (2) Article 15(1) shall not apply to a person establishing or keeping an animal sanctuary of a description or class that has been exempted by Order of the Minister.

17 Application for licence

- (1) An application for a licence shall be –
 - (a) made to the Minister;
 - (b) in such form and contain such information as the Minister may require; and
 - (c) accompanied by such further information as the Minister may require and such fee as may be prescribed.
- (2) An applicant shall give notice of the application to such persons, in such manner and at such times, as the Minister may require.
- (3) A person shall not be capable of applying for a licence if that person is disqualified under Article 30 or any other enactment for keeping an animal or for holding any licence mentioned in that Article.

18 Grant of licence

- (1) The Minister may grant a licence to authorize –
 - (a) the undertaking, in the course of carrying on a business, of any of the activities described in Article 14(2); or
 - (b) the establishment or keeping of an animal sanctuary, within the meaning of Article 15.
- (2) A licence may be granted for a specified period of time and subject to conditions, including, but not by way of limitation, conditions restricting the licensed activity to any specified animal, to specified numbers and descriptions of animals and to specified premises.

19 Amendment or addition of condition of licence

- (1) The Minister may, on his or her own initiative, or on the application of the licensee, amend or revoke a condition of a licence or add a condition to a licence.
- (2) Before amending or adding a condition on his or her own initiative, the Minister shall give the licensee notice of the proposal and the reasons for it.
- (3) If, within the period of 28 days beginning with the day on which the Minister gives notice of the proposal, the licensee gives notice to the Minister that he or she wishes to make representations about the proposal, the Minister shall, before amending or adding any condition, give the licensee the opportunity to make representations.
- (4) The amendment or addition of a condition shall not take effect in any case before the Minister has given the licensee notice of it.

- (5) Where the Minister has made the amendment or addition on his or her own initiative, the Minister shall allow the licensee a reasonable time to comply with it.

20 Revocation and suspension of licence

- (1) Where the Minister proposes to revoke a licence, the Minister shall give notice of the proposal and the reasons for it to the licensee.
- (2) If, within the period of 28 days beginning with the day on which the Minister gives notice of the proposal, the licensee gives notice to the Minister that he or she wishes to make representations about the proposal, the Minister shall, before revoking the licence, give the licensee the opportunity to make representations.
- (3) Notwithstanding paragraphs (1) and (2), the Minister may –
- (a) suspend a licence with immediate effect where it appears to the Minister that animals kept or used by the licensee under the licence are suffering or that, without such suspension, there is a serious risk that such animals would suffer; and
 - (b) give such directions as may be necessary to ensure the welfare of those animals during the period of suspension.

21 Appeals

- (1) The following persons shall have a right of appeal to the Royal Court under this Law –
- (a) an applicant for a licence, against a refusal by the Minister to grant a licence, or a refusal by the Minister to grant a licence for a particular activity or for a particular period of time;
 - (b) an applicant for a licence, against any condition imposed by the Minister on the grant of his or her licence;
 - (c) a licensee, against a refusal of the Minister to amend or revoke a condition of his or her licence on the licensee's application;
 - (d) a licensee, against the amendment or imposition of a condition of his or her licence by the Minister on his or her own initiative;
 - (e) a licensee, against the revocation of his or her licence by the Minister;
 - (f) a licensee, against the suspension of his or her licence.
- (2) An appeal shall be brought within 21 days after the appellant is served by the Minister with a written copy of the decision to which the appeal relates, or within such further time as the Royal Court may allow.
- (3) The lodging of an appeal shall not operate to stay the effect of the decision of the Minister, pending the determination of the appeal, unless the Court so orders.

22 Inspections

- (1) The Minister may authorize, in writing, any veterinary surgeon or other person appearing to the Minister to have suitable experience relating to animal welfare to be an inspector for the purposes of this Law.
- (2) ¹²
- (3) An inspector may, on producing his or her authority if so required –
 - (a) enter premises to which an application for a licence relates and inspect the premises and any equipment and animals to which the application relates, for the purpose of reporting to the Minister upon the application; and
 - (b) enter premises to which a licence relates –
 - (i) pursuant to any condition of the licence for the inspection of the premises and any equipment and animals to which the licence relates, or
 - (ii) for the purpose of reporting to the Minister upon any proposed variation, suspension or revocation of the licence.
- (4) Where the licence or application for a licence relates to a dwelling, the inspector may enter and inspect only so much of the dwelling as is used for or in connection with the activity licensed or to be licensed.
- (4A) An inspector shall not discharge any function or exercise any power under this Law on or in relation to premises to which an application for a licence, or a licence, relates if the application is for a licence to authorize, or the licence authorizes, any activity described in Article 14(2) or 15 which is also undertaken by the inspector personally, by the inspector's employer or by a person of whom the inspector is an office holder.¹³
- (5) The powers conferred by this Article may be exercised at any reasonable time or, in an emergency, at any time.

23 Recovery of inspection costs

- (1) The Minister may require an applicant for a licence or a licensee to pay the reasonable costs of the exercise of any power under Article 22 in respect of the application or licence.
- (2) Any amount that the Minister may require to be paid under this Article may be recovered by the Minister in any court of competent jurisdiction as a civil debt.
- (3) The Minister may refuse to consider an application further until any fee required to accompany the application and any amount owing under this Article in respect of the application are paid.

24 Offence of failing to comply with licence

- (1) A licensee shall be guilty of an offence if –
 - (a) any condition of his or her licence is contravened or not complied with; and

- (b) the licensee did not take all reasonable precautions and exercise due diligence to avoid such contravention or non-compliance.
- (2) A person guilty of an offence under this Article shall be liable to a fine of level 3 on the standard scale.¹⁴

25 Offence of providing false information in connection with licence

A person who, in or in connection with an application for any licence, makes any material statement or provides any material information that the person does not believe to be true shall be guilty of an offence and liable to a fine of level 3 on the standard scale.¹⁵

PART 4

ENFORCEMENT AND FURTHER OFFENCES

26 Entry by warrant where offence suspected

- (1) If it appears to the Bailiff or a Jurat on information on oath laid by a police officer, the States Veterinary Officer or an inspector that there are reasonable grounds for believing that an offence under this Law has been or is being committed against or in respect of any animal, the Bailiff or a Jurat may issue a warrant in accordance with paragraphs (2) to (4).¹⁶
- (2) Where a police officer applies for a warrant, the warrant –
 - (a) may be executed by any police officer; and
 - (b) shall require the police officer to be accompanied by the States Veterinary Officer or an inspector.¹⁷
- (3) Where the States Veterinary Officer or an inspector applies for a warrant, the warrant shall require the States Veterinary Officer or inspector to be accompanied by a police officer¹⁸.
- (4) A warrant shall authorize –
 - (a) a police officer and the States Veterinary Officer or an inspector to enter, at any time and by force if necessary, any premises where the offence appears to be taking or to have taken place;
 - (b) the States Veterinary Officer or an inspector to examine and test any animal found on the premises; and
 - (c) a police officer and the States Veterinary Officer or an inspector to examine and test any place where the animal is kept.¹⁹
- (5) If the States Veterinary Officer or an inspector, whilst on premises which that person has entered under the authority of a warrant issued under paragraph (1), is satisfied that suffering is being or is likely to be caused to any animal by reason of any act, omission or neglect, the States Veterinary Officer or inspector may personally take, or require the owner or person having or appearing to have care of the animal to take, such steps as he or she considers necessary to prevent or mitigate the suffering of that animal.²⁰

- (6) A person who wilfully fails to comply with a requirement to take steps under paragraph (5) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

27 General power of seizure

The States Veterinary Officer or an inspector who finds in any public place, or on premises which that person has entered under the authority of a warrant issued under Article 26, any animal against or in respect of which that person has reasonable cause to believe that an offence under this Law has been or is being committed, may seize the animal and remove it to a place of safe custody and there hold it until any proceedings brought in respect of the offence are completed or the court, during the course of such proceedings, orders otherwise or it is decided that no such proceedings shall be brought.²¹

28 Recovery of expenses incurred under Article 26 or 27

Any expenses reasonably incurred under Article 26(2) or Article 27 by the States Veterinary Officer or an inspector, including in any case the cost of any veterinary treatment reasonably required in respect of any animal, shall be recoverable –

- (a) from the owner or person having or appearing to have care of the animal, as a civil debt; or
- (b) if a person is convicted of an offence under this Law against or in respect of that animal, from that person, as costs of the prosecution.²²

29 Powers of court after charge

- (1) This Article applies where the owner of animals kept by the owner for the purposes of a business has been charged with an offence under Part 2 in respect of those animals and the proceedings in respect of the offence have not yet been completed.
- (2) If, on the application of the Attorney General, it appears to the court from evidence given by a veterinary surgeon that it is necessary in the interests of the welfare of the animals in question for the Attorney General to do one or more of the things mentioned in paragraph (3), the court may make an order authorizing the Attorney General to do so.
- (3) Those things are –
 - (a) taking charge of the animals and caring for them or causing or procuring them to be cared for on the premises on which they are kept or at some other place;
 - (b) selling the animals at a fair price;
 - (c) disposing of the animals otherwise than by way of sale;
 - (d) causing the animals to be slaughtered.
- (4) In determining what to authorize by order, the court shall have regard to all the circumstances, including the desirability of protecting the owner's

interest in the value of the animals and avoiding an increase in the owner's costs.

- (5) An order under this Article shall cease to have effect on the discontinuance or other disposal of the proceedings for the offence.
- (6) The fact that an order ceases to have effect shall not affect anything done before or pursuant to a contract entered into before that occurrence.
- (7) Where the Attorney General –
 - (a) has given notice to the court of his or her intention to apply for an order under this Article; and
 - (b) is of the opinion that the animals need to be marked for identification purposes,

a person authorized by the Attorney General may enter the premises on which the animals are kept and mark them for those purposes.
- (8) Where an order is made under this Article, a person authorized by the Attorney General may –
 - (a) enter the premises on which the animals are kept for the purpose of exercising the powers conferred by the order;
 - (b) mark the animals (whether by the application of an ear tag or by any other means); and
 - (c) in the case of an order making any provision mentioned in paragraph (3)(a), make use for that purpose of any equipment on the premises.
- (9) Nothing in paragraphs (7) and (8) authorizes a person to enter a dwelling.
- (10) A person entering premises in the exercise of powers conferred by paragraphs (7) and (8) must, if so required by the owner or occupier or person in charge of the premises –
 - (a) produce some duly authenticated document showing that he or she is authorized by the Attorney General to enter the premises; and
 - (b) state in writing the reasons for entering the premises.
- (11) Where an order is made under this Article –
 - (a) the Attorney General shall be entitled to be reimbursed for any reasonable expenses the Attorney General has incurred in the exercise of powers conferred by virtue of the order; and
 - (b) subject to sub-paragraph (a), in the case of an order making any provision mentioned in paragraph (3)(b), (c) or (d), the Attorney General must pay to the owner the proceeds, if any, of the sale, disposal or slaughter of the animals.
- (12) The Attorney General may recover as a civil debt from the owner any amount for which the Attorney General is entitled to be reimbursed under paragraph (11).
- (13) Where –
 - (a) an order made under this Article makes any provision mentioned in paragraph (3)(b), (c) or (d); and

- (b) the owner has in his or her possession or under his or her control documents which are relevant to the condition or value of the animal,

the owner must, as soon as is practicable and, in any event, within 10 days of the making of the order, deliver those documents to the Attorney General.

- (14) If the owner, without reasonable excuse, fails to deliver any documents as required by paragraph (13), the owner shall be guilty of an offence and liable to a fine of level 3 on the standard scale.
- (15) In this Article, “owner” means the owner against whom the proceedings were brought.

30 Powers of court on conviction

- (1) On the conviction of the owner of an animal of an offence under Part 2 against that animal the court, if satisfied that the animal, if left with the owner, is likely to be exposed to further cruelty or unnecessary suffering, may order that the owner be deprived of the ownership of the animal and may make such order as to the disposal of the animal as it thinks fit under the circumstances.
- (2) A court before which a person is convicted of an offence under Part 2 against an animal 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, that animal, such animals of a description or kinds as it may specify or any animal.
- (3) Where a person is convicted of an offence under this Law the court by or before which that person is convicted may –
- (a) cancel any licence held by that person under this Law or under the Dogs (Jersey) Law 1961²³ or the Dangerous Wild Animals (Jersey) Law 1999²⁴; and
- (b) whether or not that person is the holder of such a licence, disqualify that person for holding any licence under this Law and under either or both of the aforementioned Laws for such period as the court thinks fit.
- (4) A court which has ordered the cancellation of a person’s licence or a person’s disqualification may, if it thinks fit, suspend the operation of the order pending an appeal.
- (5) Where the owner of an animal is convicted of an offence under this Law against or in respect of that animal the court may, if satisfied on the evidence of a veterinary surgeon, that it would be cruel to keep the animal alive, order the destruction of the animal and, for that purpose, assign the animal to any suitable person.
- (6) A person to whom an animal is assigned pursuant to paragraph (5) shall, as soon as practicable, destroy the animal or cause or procure its

destruction in his or her presence, without unnecessary suffering, and dispose of the carcass as ordered by the court.

- (7) Any expenses reasonably incurred in destroying an animal pursuant to paragraph (5) shall be payable by the owner and recoverable from the owner as a civil debt.

31 General provisions as to disqualification

- (1) A court which has ordered the disqualification of a person under Article 30 for keeping an animal or holding a licence may, if it thinks fit, suspend the operation of the order –
- (a) for such period as it thinks necessary for enabling arrangements to be made for the custody of any animal to which the disqualification relates; or
 - (b) pending an appeal.
- (2) A person who is disqualified for keeping an animal or holding a licence by virtue of an order made under Article 30 may, at any time after the expiry of 12 months from the date of the order and, subject to paragraph (4), after that from time to time, apply to the court which made the order to remove the disqualification.
- (3) At the hearing of an application for removal of disqualification the court may, as it thinks fit, having regard to the character of the applicant, the applicant's conduct since the making of the order, the nature of the offence of which the applicant was convicted and any other circumstances of the case –
- (a) direct that, as from the date specified in the direction, the disqualification be removed or the order be so varied as to apply only to animals or licences, as the case may be, of a kind specified in the direction; or
 - (b) refuse the application.
- (4) Where, on an application for removal of disqualification, the court directs the variation of the disqualification order or refuses the application, the person who is disqualified may not make a fresh application for removal within the period of 6 months after the date of the direction or refusal.
- (5) A person who, in contravention of an order made under Article 30, keeps or otherwise has care of an animal or obtains any licence, shall be guilty of an offence and liable to imprisonment for a term of 3 months and to a fine of level 3 on the standard scale.

32 Offences connected with animal fights

- (1) It shall be an offence for a person to be present, without reasonable excuse, when domestic animals or captive animals are placed together for the purpose of their fighting each other.
- (2) It shall be an offence for a person to publish or cause to be published an advertisement for a fight between domestic animals or captive animals, knowing that it is such an advertisement.

- (3) A person guilty of an offence under this Article shall be liable to a fine of level 3 on the standard scale.

33 Offence of obstruction

A person who intentionally and without reasonable excuse obstructs another person exercising or attempting to exercise any power of entry, inspection, test or seizure conferred by or under this Law or any power conferred by an order made under Article 29 shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.²⁵

34 Offence committed by body corporate etc.

- (1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body, or (in either case) any person purporting to act in any such capacity, the person shall 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) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

35 Offence of aiding or abetting, etc.

Any person who aids, abets, causes, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

PART 5

MISCELLANEOUS AND SUPPLEMENTAL

36 Welfare codes

- (1) The Minister may issue codes for the purpose of providing guidance on good practice in the keeping of any animal in any circumstances or for any purpose.
- (2) The Minister shall cause any code issued under paragraph (1) to be printed and made available to the public free of charge.
- (3) A failure on the part of any person to follow any guidance contained in a code issued under paragraph (1) shall not of itself render that person liable to proceedings of any kind.

- (4) In all criminal proceedings, a code issued under paragraph (1) shall be admissible in evidence, and if any provision of such a code appears to the court conducting the proceedings to be relevant to any question arising in the proceedings, it shall be taken into account in determining that question.

37 Power of States Veterinary Officer to destroy animal

- (1) If the States Veterinary Officer finds or there is brought to the States Veterinary Officer an animal, not being an animal to which Article 5(2) of the Slaughter of Animals (Jersey) Law 1962²⁶ applies, which is so injured or sick that, in the States Veterinary Officer's opinion, it would be cruel to keep it alive, the States Veterinary Officer shall, if its owner is not known or is absent or cannot be found within a reasonable time or refuses to consent to its destruction, forthwith destroy the animal or cause or procure its destruction and dispose of the carcass or cause or procure its disposal in such manner as the States Veterinary Officer thinks fit.²⁷
- (2) The States Veterinary Officer shall not be subject to any civil or criminal liability in respect of any action taken under paragraph (1) unless he or she has acted in bad faith or without reasonable care.²⁸

38 Notices

- (1) A notice given under this Law –
- (a) shall be in writing; and
 - (b) may be given to the intended recipient –
 - (i) by delivering it to the intended recipient,
 - (ii) by leaving it at the intended recipient's proper address,
 - (iii) by sending it by post to the intended recipient at that address, or
 - (iv) by sending it to the intended recipient at that address by telex, facsimile or other similar means which produce a document containing the text of the communication.
- (2) A notice may, in the case of a company incorporated in the Island, be given to its secretary and, in the case of any other description of institution, be given to the controller or manager of the institution.
- (3) For the purposes of this Article and Article 12 of the Interpretation (Jersey) Law 1954, in its application to this Article, the proper address of any person to whom a notice is to be given shall be the person's last known address, except that –
- (a) in the case of a body corporate or its secretary, it shall be the address of the registered or principal office of that body in the Island; and
 - (b) in the case of any other description of institution or a person having control or management of its business in the Island, it shall be that of the principal office of the institution in the Island.

- (4) If the person to whom a notice is to be given by the Minister has notified the Minister of an address within the Island, other than that person's proper address within the meaning of paragraph (3), as the one at which that person or someone on that person's behalf will accept such notices, that address shall also be treated for the purposes of this Article and Article 12 of the Interpretation (Jersey) Law 1954²⁹ as that person's proper address.

39 Orders

The Minister may by Order prescribe anything which shall or may be prescribed under this Law.

40 Citation

This Law may be cited as the Animal Welfare (Jersey) Law 2004.

SCHEDULE³⁰

(Article 6(3))

OPERATIONS WHICH MAY BE PERFORMED WITHOUT ANAESTHETIC

1. The following operations may be performed without an anaesthetic –
 - (a) the making of injections or extractions by means of a hollow needle;
 - (b) any procedure authorized to be so performed under Article 11;
 - (c) the rendering, in an emergency, of first aid for the purpose of saving life or relieving pain;
 - (d) the amputation of the dew claws of a dog before its eyes are open;
 - (e) the castration of a bull, sheep, goat or pig by using a rubber ring or other device to constrict the flow of blood to the scrotum, if the device is applied during the first week of life;
 - (f) the castration of a bull, sheep or goat by using a scalpel or Burdizzo pliers if the operation is performed before the animal reaches the age of 2 months;
 - (g) the castration of a pig by using a scalpel if the operation is performed before the animal reaches the age of one week;
 - (h) subject to paragraph 2, any minor operation performed by a veterinary surgeon being an operation which, by reason of its quickness and painlessness, is customarily performed without the use of an anaesthetic;
 - (j) subject to paragraph 2, any minor operation, whether performed by a veterinary surgeon or by some other person, being an operation which is not customarily performed only by such a surgeon.
2. Paragraph (1)(h) and (j) shall not, in any circumstances, permit any of the following operations to be performed without an anaesthetic, namely –
 - (a) the castration of a male animal otherwise than in accordance with paragraph 1(e), (f) or (g);
 - (b) the dehorning of bulls, cows, bullocks, heifers, calves, steers, oxen, sheep or goats;
 - (c) the disbudding of calves, except by means of chemical cauterization applied within the first week of life;
 - (d) the docking of lambs' tails by using a rubber ring or other device to constrict the flow of blood to the tail, unless the device is applied within the first week of life; or
 - (e) the docking of a dog's tail.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement	*Projet No (where applicable)
Animal Welfare (Jersey) Law 2004	L.27/2004	1 February 2007 (R&O.10/2007)	P.126/2003
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005	P.216/2005
Animal Welfare (Amendment) (Jersey) Law 2006	L.7/2006	1 February 2007	P.252/2005
Animal Welfare (Amendment of Schedule 1) (Jersey) Order 2007	R&O.13/2007	1 February 2007	
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015
Animal Health (Jersey) Law 2016	L.12/2016	29 July 2016 (only Schedule 5 paragraph 2(b) and (c) and paragraph 17 in force) 1 February 2017 remainder (R&O.2/2017)	P.17/2016

*Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
38	Spent, omitted
39	Spent, omitted
40	38
41	39
42	Spent, omitted
43	40
Schedule 1	Schedule
Schedule 2	Spent, omitted

Table of Endnote References

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- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*
- ² *chapter 02.020*
- ³ *Article 1(1) amended by R&O.158/2015, L.12/2016*
- ⁴ *Article 3(6) deleted by L.12/2016*
- ⁵ *Article 5(2) amended by L.1/2016*
- ⁶ *Article 11(3) substituted by L.12/2016*
- ⁷ *Article 11(4) substituted by L.12/2016*
- ⁸ *Article 11(5) deleted by L.12/2016*
- ⁹ *Article 12 amended by L.1/2016*
- ¹⁰ *Article 14(3) amended by L.1/2016*
- ¹¹ *Article 15(3) amended by L.1/2016*
- ¹² *Article 22(2) deleted by L.7/2006*
- ¹³ *Article 22(4A) inserted by L.7/2006*
- ¹⁴ *Article 24(2) amended by L.1/2016*
- ¹⁵ *Article 25 amended by L.1/2016*
- ¹⁶ *Article 26(1) amended by L.12/2016*
- ¹⁷ *Article 26(2) amended by L.12/2016*
- ¹⁸ *Article 26(3) amended by L.12/2016*
- ¹⁹ *Article 26(4) amended by L.12/2016*
- ²⁰ *Article 26(5) amended by L.12/2016*
- ²¹ *Article 27 amended by L.12/2016*
- ²² *Article 28 amended by L.12/2016*
- ²³ *chapter 02.550*
- ²⁴ *chapter 02.300*
- ²⁵ *Article 33 amended by L.1/2016*
- ²⁶ *chapter 02.800*
- ²⁷ *Article 37(1) amended by L.12/2016*
- ²⁸ *Article 37(2) amended by L.12/2016*
- ²⁹ *chapter 15.360*
- ³⁰ *Schedule amended by R&O.13/2007*