
GUERNSEY STATUTORY INSTRUMENT

1978 No. 2

The Rabies (Amendment) Order, 1978

Made: 27th February, 1978

Laid before the States

Coming into Operation: 13th March, 1978

THE STATES COMMITTEE FOR AGRICULTURE, in pursuance of the powers conferred upon it by section one and subsection (2) of section seven of the Rabies (Bailiwick of Guernsey) Law, 1975(a), and of all other powers enabling it in that behalf, hereby orders:-

Amendment of the Order of 1976

1. The Rabies Order 1976(b) (hereinafter referred to as "the principal Order") as amended (c), is hereby further amended as follows:-

- (a) in subsection (1) of section five thereof the words and figure "subsection 9" shall be deleted and the words, figure and brackets "subsection (9)" shall be substituted therefor;
- (b) in subsection (5) of section five thereof the word "could" shall be deleted and the words "virus could, if present in that animal, " shall be substituted therefor;
- (c) section nine thereof shall be deleted and the following section shall be substituted therefor -

"Detention of animals on board vessels in harbour

9.(1) Subsection (2) of this section shall apply to an animal which has, within the preceding six calendar months, been in a place outside Great Britain, Northern Ireland, the Republic of Ireland, the Channel Islands and the Isle of Man.

(2) Subject to subsection (3) of this section, it shall be the duty of the person having charge or control of a vessel in harbour in the Islands or at anchor or moored in the territorial waters adjacent to any of the Islands to ensure that an animal to which this subsection applies which is on board that vessel -

- (a) is at all times restrained, and kept securely confined within a totally enclosed part of the vessel from which it cannot escape;
- (b) does not come into contact with any other animal or any contact animal (other than an animal or contact animal with which it has been transported to the Islands); and
- (c) is in no circumstances permitted to land.

-
- (a) Ordres en Conseil Vol.XXV, p. 368
 - (b) S.I. 1976 No. 16.
 - (c) S.I. 1976 No. 54.

(3) Paragraph (c) of subsection (2) of this section shall not apply to an animal which is landed -

- (a) in accordance with a licence granted under section one of this Order; or
- (b) in the circumstances referred to in section five of this Order.

(4) If an animal to which subsection (2) of this section applies is lost from a vessel in harbour in the Islands or in the territorial waters adjacent to any of the Islands, the person having charge or control of that vessel shall forthwith give notice of the loss to a revenue officer.

(5) If an animal to which subsection (2) of this section applies is involved in an incident whereby rabies virus could, if present in that animal, be transmitted to a human being, or to another animal or a contact animal (other than an animal or contact animal with which it has been transported to the Islands), the person for the time being in charge of the animal shall forthwith give notice of the incident to a revenue officer; and on receipt of such notice, the revenue officer shall forthwith inform the Committee which may, if it considers it expedient so to do, require (in the case of an animal which would otherwise not be permitted to land under this section) that the animal shall not leave the Islands until after it has undergone detention and isolation in quarantine at its owner's expense, at such premises, for such period (not exceeding six calendar months) and subject to such conditions, as the Committee may direct.

(6) Subject to subsection (7) of this section, no person shall cause or permit a native animal or a native contact animal to go on board a vessel in harbour in the Islands or in the territorial waters adjacent to any of the Islands on which there is an animal to which subsection (2) of this section applies; and for the purposes of this subsection and subsection (8) of this section -

- (a) 'native animal' means an animal to which subsection (2) of this section does not apply; and
- (b) 'native contact animal' means a contact animal which is ashore in the Islands, whether or not it has been landed from a vessel.

(7) Subsection (6) of this section shall not apply to:-

- (a) the use on board a vessel in harbour in the Islands or in the territorial waters adjacent to any of the Islands of dogs belonging to any police force, Her Majesty's Customs and Excise or Her Majesty's Forces, so long as such dogs are kept under constant control of a trained handler while on board; or
- (b) the loading on board a vessel in harbour in the Islands or in the territorial waters adjacent to any of the Islands of any animal or contact animal intended for exportation from the Islands on that vessel.

(a)
(b)
(c)

(8) An authorised person, a revenue officer or a police officer may seize or cause to be seized -

- (a) any animal to which subsection (2) of this section applies in relation to which there has been a contravention of or failure to comply with any provision of that subsection; and
- (b) any native animal or native contact animal in relation to which there has been a contravention of or failure to comply with the provisions of subsection (6) of this section;

and where an animal or contact animal has been seized in accordance with the foregoing provisions of this subsection, an authorised person may -

- (i) destroy it or cause it to be destroyed;
- (ii) move it or cause it to be moved to authorised quarantine premises for the purposes of detention and isolation in quarantine at its owner's expense for a period of six calendar months, or for such shorter period as the Committee may direct; or
- (iii) in the case of an animal to which subsection (2) of this section applies, export it from the Islands or cause it to be so exported.

(9) The reasonable expenses incurred by an authorised person, revenue officer or police officer in exercising the powers conferred on him by subsection (8) of this section shall be recoverable by the States as a civil debt from the owner of the animal or contact animal.";

- (d) In subsection (2) of section ten thereof there shall be inserted immediately after the word "seize" the words "or cause to be seized";
- (e) in subsection (4) of section ten thereof there shall be inserted immediately after the words "seize the animal" the words "or cause it to be seized";
- (f) in subsection (7) of section ten thereof there shall be inserted immediately after the words "a revenue officer" the words "or a police officer";
- (g) in section eleven thereof the words "an authorised person may" shall be deleted and the words "an authorised person may seize or cause to be seized, and thereafter" shall be substituted therefor;
- (h) in subsection (1) of section twenty-three thereof there shall be inserted, immediately after the definition of the expression "research premises", the following definition -
" "vessel" includes hovercraft;".

Repeal

2. The Rabies (Amendment) Order, 1976(d) is hereby repealed.

Extent

3. This Order shall have effect in the Islands of Guernsey, Sark, Herm and Jethou.

Citation and collective title.

4.(1) This Order may be cited as the Rabies (Amendment) Order, 1978.

(2) This Order and the principal Order may be cited together as the Rabies Orders 1976 and 1978.

Dated this twenty-seventh day of February nineteen hundred and seventy-eight.

PEPPINO SANTANGELO (signed)

President of the States Committee for Agriculture
for and on behalf of the Committee.

EXPLANATORY NOTE

(This Note does not form part of the Order)

The purpose of this Order, which amends the Rabies Order, 1976, is to tighten the control over animals on board vessels in harbour in, or in the territorial waters adjacent to, the Islands of Guernsey, Sark, Herm and Jethou.

The Order substitutes a new section 9 for that appearing in the Order of 1976. Apart from some strengthening of the original provisions, the most important change brought about by the new section is to make it illegal for animals or contact animals (within the meaning of the Order) which are on shore to be permitted to go on a vessel which already has on board an animal from abroad. The prohibition does not apply to trained dogs, belonging to a police force, H.M. Customs and Excise or H.M. Forces or, to animals or contact animals being loaded for exportation. Authorised persons, revenue officers and police officers are given powers to seize and deal with animals in respect of which there has been a contravention of the section.

The Order also makes a number of minor amendments to the Order of 1976.