



## The Rabies Order, 2011

<i>Made</i>	<i>13 December, 2011</i>
<i>Coming into force</i>	<i>1 January, 2012</i>
<i>Laid before the States</i>	<i>2012</i>

**THE STATES COMMERCE AND EMPLOYMENT DEPARTMENT**, in pursuance of the powers conferred upon it by sections 1 to 3 of the Rabies (Bailiwick of Guernsey) Law, 1975 **a**, as amended **b**, and all other powers enabling it in that behalf hereby orders:

### PART I

#### REGULATION OF THE IMPORTATION AND EXPORTATION OF ANIMALS

##### Importation of Animals

1. The importation of an animal specified in Part I of Schedule 1 is prohibited.

##### Importation of Animals into Quarantine

2. Article 1 does not apply to an animal imported into the Islands under the authority of a licence issued by the Department.
3. An animal imported into the Islands under the authority of a licence issued under article 2 shall be:
  - (a) imported at an approved port of entry specified in Schedule 2;

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**a** Ordres en Conseil Volume XXV, p.368.

**b** Recueil d'Ordonnances, Tome XXIV, p.20.

- (b) detained by an approved carrying agent at the time and place of importation and transported directly to an approved place of quarantine by such an approved carrying agent; and
- (c) detained at such an approved place of quarantine for a period of 6 calendar months, or in exceptional circumstances, such period as the Department may, in writing, specify.

4. It shall be the duty of the owner or keeper of an animal imported into the Islands under the authority of a licence issued under article 2 to present such an animal to an approved carrying agent for detention and transportation as specified in article 3(b).

5. Notwithstanding the provisions of article 3(c), a vampire bat imported into the Islands under the authority of a licence issued under article 2, shall be detained in quarantine for life at such place as the Department may, in writing, authorise, and any progeny born to such an animal shall also be detained at such a place for life.

6. Any progeny born to an animal held in an approved place of quarantine shall be detained at such facility for the remainder of such period of quarantine applying to the dam.

7. The Department may specify in a licence issued under article 2 that one or more animals may be held together at an approved place of quarantine subject to any additional conditions that it may attach to such a licence.

8. An animal held in quarantine in another country or territory may be imported into the Islands under the authority of a licence issued by the Department and held at an approved place of quarantine for such period as the Department may direct, being a period of such length as to ensure that such an animal is detained and isolated in quarantine for an aggregate period of not less than 6 months from the date of its landing in such other country or territory.

9. An animal held at an approved place of quarantine shall be vaccinated against rabies using such vaccine and in accordance with such protocols as the States Veterinary Officer shall specify, regardless of whether it is vaccinated against rabies at the time of its detention.

10. An animal held at an approved place of quarantine may not be moved from such a place before the 6 month term of quarantine expires other than:

- (a) to another approved place of quarantine;
- (b) to a place for exportation from the Islands; or
- (c) in exceptional circumstances, to a recognised veterinary surgeon, for treatment that cannot be administered at the place of quarantine.

11. Animals moved in accordance with article 10 shall be moved under the authority of a licence issued by the Department by an approved carrying agent, save that an animal that requires emergency veterinary treatment may be moved by other means with the approval of the States Veterinary Officer and subject to such conditions as he may specify.

12. In exceptional circumstances or in an emergency, an authorised person may direct that an animal may be transported to an approved place of quarantine by such means as that person may specify.

**Importation of Animals from the British Isles**

13. Article 1 does not apply to an animal specified in Part I of Schedule 1 that is imported into the Islands directly from the British Isles provided that:

- (a) such an animal:
  - (i) was born in a place in the British Isles and it has not, at any time, been to a place outside of the British Isles;
  - (ii) was imported into the British Isles and detained and isolated in quarantine in the British Isles for a period of not less than 6 calendar months;

- (iii) is a cat or dog that was imported into the United Kingdom or Ireland from another Member State of the European Union in accordance with the provisions of Council Directive 92/65/EEC **c**;
- (iv) is a pet cat, dog or ferret that was imported into the British Isles from a qualifying country or territory in accordance with Regulation (EC) No 998/2003 of the European Parliament and of the Council **d**;
- (v) is a pet cat or dog that was imported into the British Isles from a non-qualifying country or territory in accordance with Regulation (EC) No 998/2003 of the European Parliament and of the Council; or
- (vi) is a pet domestic rabbit or rodent that was imported into the British Isles from a Member State of the European Union, other than the United Kingdom or Ireland,

prior to consignment to the Islands; and

- (b) the number of animals specified in subparagraphs (a)(iv) to (vi) in any consignment does not exceed 5.

#### **Importation of Animals from Qualifying Countries and Territories**

**14.** Article 1 does not apply to the importation into the Islands of:

- (a) a pet cat, dog or ferret that is the subject of a non-commercial movement from a qualifying country or territory specified in Schedule 3 provided that:

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**c** Official Journal L268, 14. 9. 1992, p.54.

**d** Official Journal L146, 13.6.2003, p.1.

- (i) such an animal satisfies the requirements of Part I of Schedule 4;
  - (ii) such an animal is imported into the Islands by an approved carrier on an approved route; and
  - (iii) the number of animals in any consignment does not exceed 5, or
- (b) a pet cat or dog that that was imported into a qualifying country or territory from a non-qualifying territory prior to importation into the Islands provided that such an animal satisfies the requirements of:
- (i) Part I of Schedule 4 at the time of importation into a qualifying country or territory, and
  - (ii) sub-paragraph (a) at the time of importation into the Islands.

15. Article 1 does not apply to the importation into the Islands of a pet domestic rabbit or rodent that is the subject of a non-commercial movement from a Member State of the European Union, other than the United Kingdom or Ireland, provided that the number of animals in any consignment does not exceed 5.

**Importation of Animals from Non-Qualifying Countries and Territories**

16. Article 1 does not apply to a pet cat, dog or ferret that is the subject of a non-commercial movement, imported into the Islands directly from a non-qualifying country or territory, provided that:

- (a) such an animal satisfies the requirements of Part II of Schedule 4;
- (b) such an animal is imported into the Islands by an approved carrier on an approved route; and
- (c) the number of animals in any consignment does not exceed 5.

### **Animals in Territorial Waters**

17. Article 1 does not apply to an animal specified in Part I of Schedule 1 transported in a seagoing vessel within the territorial waters of the Islands, such vessels moored or at anchor in such waters or moored in any of the harbours in the Islands, where an animal is not an animal to be imported in accordance with the provisions of articles 2 to 16, provided that such an animal:

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

18. If an animal to which article 17 applies is:

- (a) lost from a vessel in a harbour in the Islands or in the territorial waters of the Islands, the person in charge or having control of the vessel shall immediately notify an authorised person of such loss; or
- (b) involved in an incident whereby the rabies virus could, if present in that animal, be transmitted to a person or another animal (other than another animal being transported on the same vessel), the owner or keeper of the animal shall immediately notify an authorised person of such an incident,

and such an authorised person may seize and detain such an animal.

19. No person shall permit any animal specified in Schedule 1 born in the Islands or imported into the Islands in accordance with the provisions of this Order to board a vessel on which any animals specified in article 17 are being transported.

20. The provisions of articles 18(b) and 19 shall not apply in the case of the use on board a vessel in a harbour in the Islands or in the territorial waters of the Islands of a dog belonging to the Guernsey Police or the Guernsey Border Agency, provided that such a dog is kept under the constant control of a trained handler whilst onboard such a vessel.

### **Animals in transit**

21. The provisions of article 1 shall not apply to an animal that is imported into the Islands under the authority of a licence issued by the Department granting permission for such an animal to be landed in the Islands and transported to another port for exportation, provided that such an animal is:

- (a) landed at an approved port of entry specified in Schedule 2;
- (b) transported by an approved carrying agent whilst in the Islands; and
- (c) held at approved premises if there is any delay between the time of importation and exportation.

### **Exportation of Animals**

22. A person shall not export a pet cat, dog or ferret that is the subject of a non-commercial movement from the Islands to a Member State of the European Community other than the United Kingdom or Ireland unless such an animal satisfies the requirements of Part I of Schedule 4.

23. An animal specified in Part I of Schedule 1 held at an approved place of detention or quarantine may be exported from the Islands provided that such an animal is transported from such a place of detention or quarantine to a place of exportation and loaded on a vehicle, vessel, aircraft or other means of transportation by an approved carrying agent.

## **PART II**

### **APPROVED PREMISES, CARRYING AGENTS, CARRIERS AND ROUTES**

#### **Approved Premises**

24. Premises shall not be used for the:

- (a) detention and isolation in quarantine; or

- (b) temporary detention,

of an animal specified in Part I of Schedule 1 other than under the authority of a licence issued by the Department.

25. A licence issued by the Department under the provisions of article 24 may include conditions relating to:

- (a) the construction and layout of the premises;
- (b) the management and operation of a quarantine or detention facility; and
- (c) any other matters relating to the quarantine or detention facility that the Department considers necessary to minimise any risk of the spread of rabies.

#### **Approved Carrying Agents**

26. No person shall transport any animal specified in Part I of Schedule 1 that:

- (a) has been imported into the Islands under the authority of a licence issued under article 2;
- (b) is to be moved from approved premises to other approved premises in the Islands;
- (c) notwithstanding the provisions of article 12, has to be moved from approved premises for veterinary treatment;
- (d) is in transit in accordance with the provisions of article 21;
- (e) has been seized under the provisions of this Order and is to be transported to approved premises; or

- (f) is to be taken from approved premises to a place for exportation from the Islands,

unless such a person has been licensed by the Department as an approved carrying agent.

**Approved Carriers.**

27. No person shall transport animals specified in articles 14 to 16 to the Islands other than under the authority of a licence issued by the Department.

28. The Department shall not issue a licence specified in article 27 unless it is satisfied that:

- (a) an applicant can comply with the conditions set out in of Part I of Schedule 5; and
- (b) the written procedures and contingency plans specified in Part I of Schedule 5 are considered by the Department to be adequate to achieve the purposes set out in that Part.

29. A licence issued under article 27 shall specify:

- (a) the checks that must be carried out by the licence holder;
- (b) the approved route to be used by the licence holder for the transportation of the animals specified in articles 14 to 16; and
- (c) any other conditions the Department considers appropriate.

30. It is the duty of an approved carrier to comply with the requirements of Part II of Schedule 5.

**Approved Routes**

31. A licence issued under article 27 shall specify the place from which an approved carrier may transport the animals specified in articles 14 to 16 to the Islands and the approved port of entry in the Islands where such animals shall be landed.

**PART III**  
**CONTROL OF RABIES**

**Control of Rabies**

**32.** Any person who has reasonable grounds to believe that an animal:

- (a) has been imported into the Islands contrary to the provisions of this Order;
- (b) is, or may be, infected with rabies;
- (c) has or may have died from rabies;
- (d) has or may have been exposed to infection by rabies; or
- (e) has or may have escaped from approved premises or an approved carrying agent,

shall immediately notify the Department of such fact and if such a person is the owner or keeper of such an animal, or the carcase of such an animal, that person shall keep the animal or carcase isolated from other animals and other persons.

**33.** Where the Department has reasonable grounds to believe that an animal:

- (a) is, or may be, infected with rabies;
- (b) has or may have died from rabies; or
- (c) has or may have been exposed to infection by rabies,

it may declare the premises at which such an animal, or the carcase of such an animal, is found to be an infected place and it may implement any of the measures specified in Schedule 6 in respect of such an infected place.

34. A declaration that premises are an infected place shall remain in force until the Department gives notice that such a declaration shall cease to have effect.

35. Where the Department has reasonable grounds to believe that an animal:

- (a) is, or may be, infected with rabies;
- (b) has or may have died from rabies;
- (c) has or may have been exposed to infection by rabies; or
- (d) has or may have escaped from approved premises or an approved carrying agent,

and such an animal has or may have been in contact with any other animals specified in Schedule 1 in the Islands, it may declare that any area in the Islands is an infected area and it may implement any of the measures specified in Schedule 7 in respect of such an infected area.

36. A declaration that an area is an infected area shall remain in force until the Department gives notice that such a declaration shall cease to have effect.

**Contact Animals**

37. Any person who has reasonable grounds to believe that an animal specified in Schedule 1 has been, or may have been, in contact with:

- (a) an animal in transit in accordance with the provisions of article 21;
- (b) an animal specified in Part I of Schedule 1, that is awaiting transportation to approved premises;
- (c) an animal specified in Part I of Schedule 1 that has escaped from approved premises;

- (d) an animal specified in Part I of Schedule 1 that has been imported into the Islands in contravention of this Order; or
- (e) an animal specified in Part I of Schedule 1 where there is any risk of spread of rabies,

shall immediately notify the Department of such fact and if such a person is the owner, or in possession, of such an animal or the carcass of such an animal, that person shall keep the animal or carcass isolated from other animals and other persons.

38. On receipt of a notification specified in article 37, the Department may implement any of the provisions of articles 33 or 35 as it considers necessary to minimise the risk of the spread of rabies.

#### **PART IV MISCELLANEOUS PROVISIONS**

##### **Authorised Persons**

39. A person may be authorised by the Minister or Deputy Minister of the Department, in writing, to perform any of the functions specified in this Order and such authorisation shall specify those functions in respect of which each authorisation is made.

40. An authorised person shall, at any time during the performance of any of his functions, produce, on demand, evidence of the written authorisation provided for in article 39.

##### **Seizure of Animals and Carcasses**

41. An authorised person may seize and detain an animal specified in Schedule 1 if that person has reasonable grounds to believe that such an animal:

- (a) has been imported into the Islands in contravention of this Order or any conditions specified in a licence issued under this Order;
- (b) is, or may be, infected with rabies;

- (c) has or may have died from rabies;
- (d) has or may have been exposed to infection by rabies; or
- (e) has or may have escaped after having been seized under the provisions of this Order, escaped from approved premises or escaped during transportation by an approved carrying agent.

42. An authorised person may seize and detain an animal specified in Schedule 1 if the owner or keeper of such an animal fails to comply with any notice issued or direction made under the provisions of this Order.

43. An authorised person may seize and detain the carcass of an animal specified in Schedule 1 if that person has reasonable grounds to believe that the animal, when alive:

- (a) may have been infected with rabies, exposed to infection with rabies or in contact with an animal infected or suspected of being infected with rabies; or
- (b) was imported into the Islands in contravention of this Order or contrary to any conditions attached to a licence issued under this Order.

44. An authorised person may:

- (a) transport a seized animal to a place of detention or to approved premises;
- (b) transport a seized carcass to a place of holding pending examination or tests or to a place for disposal or destruction;
- (c) direct that a seized animal be transported to place of detention or to approved premises by such other person as the authorised person may specify;

- (d) direct that a seized carcass be transported to a place of holding or a place for disposal or destruction by such other person as the authorised person may specify;
- (e) direct that a seized animal or carcass be held at a place of detention or at approved premises for such period and under such conditions as the authorised person may specify; and
- (f) direct that a seized animal be exported from the Islands by such means as the authorised person may specify.

**45.** If the owner or keeper of a seized animal cannot, after reasonable enquiry, be identified within 28 days of such seizure, the Department may direct that the animal be disposed of in such manner as it may specify or exported from the Islands.

#### **Examination and Tests**

**46.** The States Veterinary Officer may direct that:

- (a) a seized animal shall be:
  - (i) examined or tested in such manner as he may specify;
  - (ii) vaccinated or subjected to such other treatment as he may specify; or
  - (iii) compulsorily euthanised and the carcass disposed of in such manner as he may specify; and
- (b) a seized carcass shall be:
  - (i) examined or tested in such manner as he may specify; or
  - (ii) disposed of at such place and in such manner as he may specify.

### **Samples**

47. An authorised person may take samples from a seized animal or carcase for the purpose of examination and scientific analysis and shall give a part of the sample, or a similar sample, to the owner or keeper of the animal, if, before the sample is taken, he is requested to do so by the owner or keeper.

### **Access to Vehicles and Land**

48. Where an authorised person has reasonable grounds to believe that an animal:

- (a) has been imported into the Islands in contravention of this Order;
- (b) is, or may be, infected with rabies;
- (c) has or may have died from rabies; or
- (d) has or may have been exposed to infection by rabies,

that person may, subject to article 52, enter any vehicle used to transport such an animal or any land at which an animal or the carcase of an animal is found or at which it is being held.

49. An authorised person may take, or be accompanied by:

- (a) such equipment as is necessary to carry out an inspection of an animal or carcase or such other persons who have knowledge, skill or equipment relevant to such an inspection; or
- (b) such equipment as is necessary to seize and detain any animal or such other persons who have knowledge, skill or equipment to seize and detain a particular type of animal.

50. If the Department directs that wild animals in an infected area shall be captured, vaccinated or otherwise treated or destroyed, an authorised person may, subject to article 52, enter any land in such an area for the purpose of carrying out such a direction and that person may take or be accompanied by:

- (a) such equipment as is necessary to capture, vaccinate or treat or destroy specified wild animals; and
- (b) such other persons who have knowledge, skill or equipment relevant to the capture, vaccination or treatment or destruction of specified wild animals.

**51.** Where an animal that is required to be confined in an infected place or an infected area is found to be at large or not under the control of an owner or keeper, an authorised person may, subject to article 52, enter any land in order to seize such an animal and if circumstances prevent such seizure, to destroy it.

**52.** The powers of entry under articles 48 to 51 shall not be exercisable (other than in the case of an emergency) by an authorised person in the case of a vehicle or land, or part of the same, used as a dwelling unless :

- (a) upon information laid before the Bailiff on oath by an authorised person, the Bailiff has issued a warrant under this article authorising an authorised person so to enter; and
- (b) the authorised person executing the warrant produces that warrant, if requested to do so, upon seeking to enter the dwelling.

### **Costs**

**53.** All reasonable costs associated with the:

- (a) seizure, transportation, detention and isolation of an animal; or
- (b) euthanasia of an animal or destruction and disposal of a carcass;

shall, where appropriate, be borne by the owner or person who has responsibility for such an animal or the carcass of an animal.

## **Licences**

**54.** A person who requires a licence or the renewal of a licence shall apply to the Department in such form as the Department may specify.

**55.** The Department may:

- (a) issue a licence and attach such conditions to that licence as it considers necessary;
- (b) notify the applicant of any requirements that have to be met before a licence will be issued; or
- (c) reject the application.

**56.** In the case of the rejection of an application or the granting of a licence subject to conditions, notification of the rejection, or conditional grant, shall be accompanied by an explanation of the reasons for that rejection or the imposing of the condition, as the case may be.

**57.** The Department may amend or alter, suspend or cancel a licence at any time by written notification of such amendment or alteration, suspension or cancellation to the holder of the licence.

**58.** A licence issued under the provisions of this Order shall be valid for such period as the Department may specify.

## **Notices and Other Documents**

**59.** If premises are declared to be an infected place, written notice of such declaration and a statement of any of the measures specified in Schedule 6 that shall apply to the infected place shall be served by the Department on the owner or occupier of the relevant premises.

**60.** If an area is declared to be an infected area, notice of such a declaration and a statement of any of the measures specified in Schedule 7 that shall apply to the infected area shall be

published in La Gazette Officielle or by such other means as the Department considers appropriate.

**61.** A notice issued under articles 59 and 60 may be superseded by a subsequent notice.

**62.** Any notice or other document issued, or direction made, by the Department under this Order may be given:

- (a) to an individual, by being delivered to him, or being left at, or sent by post or transmitted to, his usual or last known place of abode;
- (b) to a body corporate with a registered office in the Islands, by being left at, or sent by post or transmitted to, that office;
- (c) to a body corporate without a registered office in the Islands, by being left at, or sent by post or transmitted to, its principal or last known place of business; or
- (d) to an unincorporated body, by being given to a partner, member, manager or officer thereof in accordance with paragraph (a), or being left at, or sent by post or transmitted to, the body's principal or last known place of business.

**63.** In article 62 the expression "by post" means by special delivery post, recorded delivery service, or ordinary letter post and the expression "transmitted" means transmitted by facsimile transmission, electronic mail or other similar means which produce or enable the production of a document containing the text of the communication in which event the document shall be regarded as served when it is received.

**64.** Where the name or address of any person to whom a notice or other document is to be given under this Order cannot, after reasonable enquiry, be effected in accordance with this Order, the document may be served:

- (a) by being published by the Department in such manner as it thinks fit; or

- (b) by publication in La Gazette Officielle on two occasions falling in successive weeks,

and a document served under this subsection is sufficient if addressed to the person for whom it is intended.

65. Articles 62 to 64 are without prejudice to any lawful method of service.

### **Falsification of Documents**

66. A person shall not:

- (a) forge or copy; or
- (b) falsify, modify or in any other way alter any information contained in

any document specified in this Order.

67. A person shall not use or attempt to use any document that is specified in this Order:

- (a) that has been forged or copied; or
- (b) in which any information contained in such a document has been falsified, modified or in any other way altered,

other than where any copy or any modification or alteration of information contained in a document has been endorsed by the Department.

### **Records and the Provision of Information**

68. A person shall provide to an authorised person any information in their possession relating to the movement of any animal specified in Schedule 1 that:

- (a) has been imported into the Islands;

- (b) is, or may be, infected with rabies;
- (c) has or may have died from rabies; or
- (d) has or may have been exposed to infection by rabies.

69. Notwithstanding the provisions of article 68, a person shall provide an authorised person with any information that might reasonably be requested and which is relevant to the execution of the functions of an authorised person.

70. Where the conditions of any notice or licence issued under this Order specify that records shall be maintained, such records shall be held by the person to whom the notice or licence was issued for a period of 1 year and such records shall be made available for inspection by an authorised person on demand.

### **Signs**

71. The Department may place, or cause to be placed, signs giving notice that a place has been declared an infected place or an area has been declared an infected area on any land that it considers appropriate for the purposes of informing the public of such declarations.

72. A person shall not remove, alter or deface any signs erected by the Department, or pursuant to a direction of the Department, giving notice that a place is an infected place or an area is an infected area.

### **Liability and Compensation**

73. No liability shall be incurred or civil action lie against the States of Guernsey or any person in respect of anything done or omitted to be done in the discharge or purported discharge of any function under this Order unless the thing is done or omitted to be done in bad faith except that this article does not operate to prevent an award of damages in respect of an act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000 e

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e Ordres en Conseil Vol. XL p. 396 as amended by Order in Council No. 1 of 2005 and G.S.I. No. 27 of 2006.

74. No compensation shall be payable by the States of Guernsey, or any person in respect of:

- (a) the seizure and detention of an animal;
- (b) the euthanasia of an animal; or
- (c) any costs arising from the suspension or revocation of a licence issued,

in accordance with the provisions of this Order.

### **Emergency Powers**

75. Where there are reasonable grounds to believe that an animal has been infected with rabies and there is an immediate risk that such an animal will spread the disease to humans or other animals, an authorised person may euthanise such an animal or cause it to be euthanised.

76. In the event of an outbreak of rabies in a place in the British Isles or a qualifying country or territory, the Department may direct that the importation of animals specified in Schedule 1 into the Islands from such a place, country or territory shall be prohibited for such period as it may direct.

77. The Department shall publish a direction made under the provisions of article 76 and notice that any such direction shall cease to have effect, in La Gazette Officielle or in such other manner as it considers appropriate.

### **Interpretation**

78. In this Order, unless the context requires otherwise :

“animal” means any animal of a species listed in Schedule 1 that is wild, domesticated or held in captivity;

"approved carrier" means a person licensed as the same under article 27;

"approved carrying agent"	means a person licensed as the same under article 26;
"approved laboratory"	means a laboratory approved by the European Community to perform serological tests to monitor the effectiveness of rabies vaccines;
"authorised person":	see article 39;
"approved place of detention "	means premises licensed under article 24 for use for the detention of an animal;
"approved place of quarantine"	means premises licensed under article 24 for use for the detention and isolation in quarantine of an animal;
"approved port of entry":	see article 3(a);
"approved premises"	means premises licensed under article 24;
"approved route":	see article 31;
"authorised veterinary surgeon"	means a veterinary surgeon authorised by the competent authority in a country or territory to practice in that country or territory;
"Bailiff"	means the Bailiff, Deputy Bailiff, Judge of the Royal Court, Lieutenant-Bailiff or Juge Délégué,
"British Isles"	means Great Britain and Northern Ireland, Ireland, Alderney, Sark, the Isle of Man and the Bailiwick of Jersey including the off-lying islands and islets of the same;
"Commission Decision"	means Commission Decision of 26 November 2003 establishing

2003/803/EC”	a model passport for the intra-Community movements of dogs, cats and ferrets f;
“Commission Decision 2004/824/EC”	means Commission Decision of 1 December 2004 establishing a model health certificate for non-commercial movements of dogs, cats and ferrets from third countries into the Community g;
“Department”	means the States of Guernsey Commerce and Employment Department;
“domestic”	means a pet animal born and held in captivity for all of its life and does not include animals taken from the wild and related expressions shall be construed accordingly;
"enactment"	means any Law, Ordinance or subordinate legislation;
"export"	means, unless the context otherwise implies, to send or cause to be sent from a place in the Islands to a place outside of the Islands and related expressions shall be construed accordingly;
“feral”	means a domesticated animal that has returned to the wild;
"Guernsey Border Agency"	means the organisation also known or referred to as "the Customs and Excise and Immigration and Nationality Service" including : <ul style="list-style-type: none"> <li>(a) its Chief Officer and any officer acting by or under his authority; and</li> <li>(b) any other individual working, including on a temporary basis, for such organisation whether under a contract of employment, a contract for services or otherwise;</li> </ul>

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f O.J. L312, 27.11.2003, p.1.

g O.J. L358, 03.12.2004, p.12

"Guernsey Police"	means the organisation also known or referred to as "the Island Police Force" including :
	(a) its Chief Officer and any other member of the salaried police force of the Island of Guernsey;
	(b) any member of the special constabulary of the Island of Guernsey; and
	(c) any other individual working, including on a temporary basis, for such organisations whether under a contract of employment, a contract for services or otherwise,
"infected place"	see article 33 and paragraph 18 of Schedule 7;
"imported"	means landed in the Islands by any means and related expressions shall be construed accordingly;
"Islands"	means Guernsey, Herm and Jethou;
"keeper"	a person, other than the owner of an animal, who cares for or is responsible for an animal;
"licence"	means a licence issued under this Ordinance;
'non-commercial movement'	means any movement of a pet animal which, directly or indirectly, does not involve or aim at a financial gain or a transfer of ownership;
"non-qualifying country or territory"	means a place other than the British Isles and a country or territory that is not listed in Schedule 3;

“pet”	means an animal which is accompanying its owner or a natural person acting on behalf of and in agreement with the owner, who is responsible for the animal during the time he or she is travelling;
"police officer"	means a member of the salaried police force of the Island of Guernsey and in relation to Guernsey, Herm and Jethou, and within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
“qualifying country or territory”	is a country or territory listed in Schedule 3;
"recognised veterinary surgeon"	has the meaning in section 8 of the Veterinary Surgery and Animal Welfare Ordinance, 1987 <b>h</b> ;
“rodent”	means an animal of the order rodentiae;
"States Veterinary Officer"	means the States Veterinary Officer or, if he is not available, any recognised veterinary surgeon;
"subordinate legislation"	means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect;
“vehicle”	means any ship, aircraft or other means of transport and includes trailers; and
“wild”	includes feral.

79. The Interpretation (Guernsey) Law, 1948 **i** applies to the interpretation of this Order.

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**h** Recueil d'Ordonnances Tome XXIV, p. 51; as amended by Ordres en Conseil Vol. XXXI, p. 278.

**i** Ordres en Conseil Vol. XIII p. 355.

80. Any reference in this Order to an enactment or to European Community legislation is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Extant Licences**

81. A licence issued in respect of approved premises, an approved carrying agent or an approved carrier under the Rabies Order, 2004 and in force immediately before the commencement of this Order shall be deemed to be a licence for the relevant premises, carrying agent or carrier, as the case may be, issued under section 24, 26 or 27 of this Order, as they case may be.

**Application**

82. This Order shall apply in the Islands of Guernsey, Herm and Jethou.

**Revocation**

83. The Rabies Order, 2004 is revoked j.

**Citation and Commencement**

84. This Order may be cited and the Rabies Order, 2011 and shall come into force on the 1<sup>st</sup> day of January 2012.

Dated this 13<sup>th</sup> day of December, 2011



Deputy C.S. McNULTY BAUER  
Minister of the States Commerce and Employment Department  
For and on behalf of the Department

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EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order establishes the conditions under which animals that are susceptible to rabies may be imported into the Islands. The conditions are intended to permit the movement of certain pet animals where the risks of the spread of the disease are considered to be low.

The Order also establishes the powers available to the Department to deal with an outbreak or suspected outbreak of rabies in the Islands.

## SCHEDULE 1

articles 1, 13, 17, 19, 23, 24, 26, 35,  
37, 41, 42, 43, 68, 76 and 78

### PART I

Order	Common Names
Carnivora	including dogs, cats, jackals, foxes, wolves, bears, racoons, coatis, pandas, otters, weasels, martens, polecats, badgers, skunks, mink, ratels, genets, civets, linsangs, mongooses, hyaenas, ocelots, pumas, cheetahs, loins, tigers and leopards.
Chiroptera	bats and flying foxes.
Dermoptera	flying lemurs.
Endenta	anteaters, sloths and armadillos.
Hyracoidean	hyraxes.
Insectivora	including solenodons, tenrecs, otter shrews, golden moles, hedgehogs, elephant shrews, shrews, moles and desmans.
Lagomorpha	rabbits, hares and pikas.
Marsupialia	including opossums, marsupial mice, dasyures, marsupial moles, marsupial anteaters, bandicoots, rat opossums, cuscuses, phalangers, koalas, wombats, wallabies and kangaroos.
Primates	including tree shrews, lemurs, indrises, sifakas, aye ayes, lorises, bushbabies, tarsiers, titis, uakaris, sakis, howlers, capuchins, squirrel monkeys, marmosets, tamarins, macaques, mangabeys, baboons, langurs, gibbons and great apes and excluding man.
Rodentia	including gophers, squirrels, chipmunks, marmots, scaly-tailed squirrel, pocket mice, kangaroo rats, beavers, mountain beavers, springhaas, mice, rats, hamsters, gerbils, water rats, dormice, jumping mice, jerboas, porcupines, cavies (including guinea pigs) capybaras, chinchillas, spiny rats and gundis.

### PART II

Order	Common Names
Artiodactyla	pigs, peccaries, hippopotamuses, camels, llamas, chevrotain, deer, giraffes, pronghorns, cattle, antelopes, duikers, gazelles, goats and sheep.

Monotremata	echidnas and duck billed platypuses.
Perissodactyla	horses, asses, zebras, tapirs and rhinoceroses.
Pholidota	pangolins.
Proboscidea	elephants.
Tubulidentata	aardvarks.

Note: the lists of common names are not intended to be exhaustive.

## SCHEDULE 2

articles 3(a), 21(a), Schedule 7, para 18

### Approved Ports of Entry

La Villiaze Airport

St.Peter Port Harbour

Such other place as the Department may, in exceptional circumstances, specify in writing, or in any licence issued under the provisions of this Order.

## SCHEDULE 3

article 78, Schedule 5, para 7(a)

### Qualifying Countries and Territories

European Union countries and territories:

Austria	Estonia	Hungary	Netherlands
Azores	Faroe Islands	Ireland	Poland
Balearic Islands	Finland	Italy	Portugal
Belgium	France	Latvia	Reunion
Bulgaria	French Guiana	Lithuania	Romania
Canary Islands	Germany	Luxembourg	Slovakia
Ceuta	Gibraltar	Madeira	Slovenia
Cyprus <sup>1</sup>	Greece	Malta	Spain
Czech Republic	Greenland	Martinique	Sweden
Denmark	Guadeloupe <sup>2</sup>	Melilla	

<sup>1</sup> Does not include north Cyprus (the area north of the Buffer Zone).

<sup>2</sup> Includes St Barthelemy and St Martin (French part of the island).

Qualifying non-EU countries and territories

Andorra	Fiji	Saint Maarten
Antigua & Barbuda	French Polynesia	San Marino
Argentina	Guam	Singapore
Aruba	Hawaii	St Helena
Ascension Island	Hong Kong	St Kitts & Nevis
Australia	Iceland	St Lucia
Bahrain	Jamaica	St Pierre & Miquelon
Barbados	Japan	St Vincent & The Grenadines
Belarus	Liechtenstein	Switzerland
Bermuda	Malaysia	Taiwan
BES Islands (Bonair, Saint Eustatius and Saba) <sup>1</sup>	Mauritius	Trinidad and Tobago
Bosnia-Herzegovina	Mayotte	United Arab Emirates <sup>2</sup>
British Virgin Islands	Mexico	USA (mainland)
Canada	Monaco	Vanuatu
Cayman Islands	Montserrat	Vatican
Chile	New Caledonia	Wallis & Futuna
Croatia	New Zealand	
Curacao	Norway	
Falkland Islands	Russian Federation	

<sup>1</sup> Formally known as the Netherland Antilles. The BES Islands are Bonair, Saint Eustatius and Saba.

<sup>2</sup> The UAE consists of the following states Abu Dhabi, Dubai, Al Sharjah, Ras Al Khaimah, Ajman, Umm Al Quwain, and Al Fujairah.

**SCHEDULE 4**

articles 14(a), 16 and 22

**PART I**

1. A pet cat, dog or ferret imported into the Islands from a qualifying country or territory must have a valid:

- (a) identification;

(b) vaccination against rabies; and

(c) identification document.

2. For the purposes of:

(a) paragraph 1(a), an identification is valid if consists of:

(i) an electronic transponder that conforms to ISO (International Standards Organisation) standard 11784 or Annex A to Standard 11785; or

(ii) an electronic transponder that does not conform with ISO Standard 11784 or Annex A of ISO Standard 11785, and the owner or person responsible for a pet cat, dog or ferret provides the means necessary for reading the transponder at the time of any inspection.

(b) paragraph 1(b), a rabies vaccination is valid if:

(i) it is an inactivated or recombinant vaccine that is approved in the country of use;

(ii) it was administered by an authorised veterinary surgeon after a pet cat, dog or ferret was identified;

(iii) it was administered not less than 21 days prior to the date of importation into the Islands; and

(iv) it has not expired;

(c) paragraph 1 (c), an identification document is valid if it conforms with the model passport in Commission Decision 2003/803/EC and the

information specified therein has been completed by the owner of a cat, dog or ferret or an authorised veterinary surgeon as the case may be.

3. For the purpose of paragraph 2(b)(iii):
  - (a) if the data sheet provided by the manufacturer of a rabies vaccine requires more than one vaccination to complete the primary course of vaccinations, the 21 day period applies from the date of the final vaccination of that course; and
  - (b) the 21 day period does not apply when an animal is re-vaccinated, provided that such re-vaccination is carried out before the expiry, according to the manufacturer's data sheet, of a prior vaccination.
4. The Department may, in exceptional circumstance and in writing, exempt pet cats, dogs or ferrets under the required age for vaccination against rabies from the requirements specified in paragraph 1(b) of this Schedule.

## **PART II**

5. A pet cat, dog or ferret imported into the Islands from a non-qualifying country or territory must have a valid:
  - (a) identification;
  - (b) vaccination against rabies;
  - (c) rabies antibody titration test result; and
  - (d) identification document.
6. For the purposes of:
  - (a) paragraph 5 (a), an identification is valid if consists of:

- (i) an electronic transponder that conforms to ISO (International Standards Organisation) standard 11784 or Annex A to Standard 11785; or
  - (ii) an electronic transponder that does not conform with ISO Standard 11784 or Annex A of ISO Standard 11785, and the owner or person responsible for a pet cat, dog or ferret provides the means necessary for reading the transponder at the time of any inspection.
- (b) paragraph 5 (b), a rabies vaccination is valid if:
- (i) it is an inactivated or recombinant vaccine that is approved in the country of use;
  - (ii) it was administered by an authorised veterinary surgeon after a pet cat, dog or ferret was identified; and
  - (iii) it has not expired;
- (c) paragraph 5 (c), a rabies antibody titration test result is valid if:
- (i) after identification a blood sample was taken by an authorised veterinary surgeon not less than 30 days after a pet cat, dog or ferret was vaccinated against rabies and not less the 3 calendar months prior to importation into the Islands; and
  - (ii) the blood sample was tested for rabies antibodies at an approved laboratory, with the result of the test demonstrating a protective antibody titre of at least 0.5 international units per millilitre; and
- (d) paragraph 5 (d), an identification document is valid if it conforms with the:

- (i) model passport in Commission Decision 2003/803/EC and the information specified therein has been completed by the owner of a cat, dog or ferret or an authorised veterinary surgeon as the case may be; or
  - (ii) model health certificate in Commission Decision 2004/824/EC and the information specified therein has been completed by the owner of a cat, dog or ferret or an authorised veterinary surgeon as the case may be.
7. For the purpose of paragraph 6(c)(i) if the data sheet provided by the manufacturer of a rabies vaccine requires more than one vaccination to complete the primary course of vaccinations, the 30 day period applies from the date of the final vaccination of that course.

## **SCHEDULE 5**

articles 28 and 30

### **PART I**

#### Conditions of Approval for Carriers.

- 1 Staff of the carrier having contact with passengers who are travelling with pet cats, dogs and ferrets and involved in carrying out the checks required by this Order shall be appropriately trained.
- 2 The carrier shall set out in writing procedures to ensure that a cat, dog or ferret presented for travel to the Islands under the provisions of this Order is:
  - (a) directed to an appropriate checking point;
  - (b) checked in accordance with the requirements of this Order; and
  - (c) transported in an appropriate part of a vessel or aircraft in acceptable conditions.

- 3 The carrier shall set out in writing procedures for action if a cat, dog or ferret presented for travel fails to comply with the requirements of this Order, or if the carrier reasonably suspects it is intended to be transported to the Islands without being presented for checking.
- 4 The carrier shall set out in writing contingency procedures for dealing with emergencies, including plans for vessels being diverted to another place of landing.
- 5 The carrier shall provide adequate facilities for carrying out the checks required by this Order and shall ensure that such facilities are adequately equipped, manned and maintained.
- 6 The carrier shall make arrangements for veterinary assistance to be provided where necessary.

## **PART II**

### Duties of Approved Carriers.

- 7 An approved carrier shall ensure, by means of checks on every animal that, in the case of a pet cat, dog or ferret that is transported by that carrier, that:
  - (a) the electronic transponder in the animal can be located and read and that the code number identifying any particular animal corresponds with the number reproduced in any documents specified in Schedule 4; and
  - (b) each animal is accompanied by the valid identification document specified in paragraphs 1(c) or 5(d), as the case may be, of Schedule 4.
- 8 Where the checks specified in paragraph 7 of this Schedule are carried out prior to the transportation of a pet cat, dog or ferret to the Islands, such an animal shall not be embarked for such transportation unless the requirements specified in the said paragraph are met.

- 9 Where the checks specified in paragraph 7 of this Schedule are carried out on arrival in the Islands, a pet cat, dog or ferret shall not be released from the place of landing unless the requirements specified in the said paragraph are met and the approved carrier shall immediately notify an authorised person of any failure to meet such requirements.
- 10 Where an approved carrier is satisfied that a cat, dog or ferret meets the requirements specified in paragraph 7 of this Schedule, it shall issue the person accompanying the animal with a sticker or hanger to be displayed in such manner as the Department may direct, indicating that:
- (a) an animal; or
  - (b) a vehicle contains an animal,
- meets such requirements.
- 11 Where an approved carrier carried out the checks specified in paragraph 7 of the Schedule at the place of loading and a cat, dog or ferret which has not been presented for such checks is discovered by the carrier during transport to the Islands the Captain or person in charge of the vessel on which the animal is travelling shall immediately notify the Department and the Customs and Immigration Department of that fact.

## SCHEDULE 6

articles 33 and 59

### Measures that may be applied in respect of a place that is declared an infected place.

- 1 Any animal infected or suspected of being infected with rabies and any animal that may have been in contact with such an infected or suspected animal shall be detained in such part of an infected place as an authorised person or the States Veterinary Officer may direct.
- 2 No person shall enter an infected place other than:

- (a) the owner, occupier or persons normally resident at such a place:
  - (b) an authorised person or the States Veterinary Officer; or
  - (c) a person authorised in writing by the Department to enter such a place and subject to any conditions attached to such an authorisation.
- 3 No person shall have access to or contact with any animal detained in an infected place other than:
- (a) an authorised person or the States Veterinary Officer:
  - (b) the person approved by an authorised person or States Veterinary Officer to tend to the dietary and other needs of such an animal;
  - (c) a veterinary surgeon approved by the States Veterinary Officer to provide veterinary care for such an animal; or
  - (d) under the authority of an authorisation issued by the Department and subject to any conditions attached to such an authorisation.
- 4 No animal may be moved into or out of an infected place other than under the authority of an authorisation issued by the Department and subject to any conditions attached to such an authorisation.
- 5 No carcase of an animal shall be removed from an infected place other than under the direction of the States Veterinary Officer subject to any conditions specified by that Officer.
- 6 An authorised person or the States Veterinary Officer shall immediately be notified of the death of any animal in an infected place.

- 7 Nothing that has or may have been in contact with an infected or suspected animal or another animal which has been or may have been in contact with such an infected or suspected animal may be removed from an infected place other than with the approval of the States Veterinary Officer and subject to any conditions specified by that Officer.
- 8 The carcase of any animal and anything specified in paragraph 7 of this Schedule that is removed from an infected place shall be disposed of or treated or otherwise cleansed in such a manner as shall be specified by the States Veterinary Officer.
- 9 The States Veterinary Officer may direct that any part of an infected place be cleansed and disinfected by such person and in such manner as that Officer may specify.
- 10 The Department may direct that notices indicating that premises are an infected place be prominently displayed at such premises.
- 11 The States Veterinary Officer may direct that any animal in an infected place be:
- (a) vaccinated or subjected to such other treatment; or
  - (b) subjected to such tests,
- as that Officer may specify.
- 12 The Department may direct that any animal that is infected or suspected on being infected with rabies or which has been or may have been exposed to infection with rabies, be euthanised and the carcase disposed of in a manner specified by the States Veterinary Officer.
- 13 The States Veterinary Officer may direct that any persons entering or leaving an infected place take such precautions as he may direct in order to prevent the spread of rabies.
- 14 In the case of an outbreak or suspected outbreak of rabies at an approved place of quarantine, the Department shall suspend such approval for such period as it may direct

and any animals held at such a place shall be detained at the premises for such period and subject to such conditions as the States Veterinary Officer may specify.

## SCHEDULE 7

articles 35 and 60

### Measures that may be applied in respect of an area that is declared an infected area.

- 1 No animal may be moved into or out of an infected area or from one premises in an infected area to other premises in such an area other than under the authority of an written authorisation issued by the Department and subject to any conditions attached to such an authorisation.
- 2 The Department may direct that the owner or person responsible for any animals that are normally kept at any premises in an infected area shall, for the duration of an infected area declaration, ensure that such animals are securely confined on such premises and do not come into contact with any other animals except those that are normally kept on the same premises.
- 3 Notwithstanding the provisions of paragraph 2 of this Schedule an animal that is normally exercised outside of the premises at which it is kept may be so exercised provided that it:
  - (a) is securely controlled and restrained by the owner or keeper at all times and not allowed to run free;
  - (b) is prevented from coming into contact with any other animal other than an animal which is normally kept on the same premises; and
  - (c) in the case of a dog, is securely muzzled.
- 4 The Department may exempt assistance dogs from the provisions of paragraph 2 of this Schedule, on the advice of the States Veterinary Officer and such exemption shall be

- made in writing to the owner or person responsible for such a dog and may include such conditions as the Department may specify.
- 5 An authorised person may seize and detain any animal to which paragraphArticle 2 of this Schedule refers which is found not to be confined or under the control of an owner or keeper.
- 6 Animals seized in accordance with paragraph 5 of this Schedule shall be held at such place, under such conditions and for such period as the States Veterinary Officer may direct and during detention may:
- (a) be subjected to examination by the said Officer:
  - (b) have samples taken from them by an authorised person or the said Officer for scientific examination or analysis; and
  - (c) be vaccinated or subjected to such other treatment as the said Officer may direct.
- 7 Animals seized under the provisions of paragraph 5 of this Schedule shall only be returned to the owner or keeper with the approval of the States Veterinary Officer.
- 8 Where the ownership of or responsibility for a seized animal cannot be established within 21 days of seizure, such animal shall be disposed of by such means as the Department may direct.
- 9 Where circumstances prevent an animal which is liable to be seized under the provisions of paragraph 5 of this Schedule from being so seized an authorised person or a Police Officer may destroy such an animal without so seizing it.
- 10 The Department may direct that an animal of any description or species in an infected area shall be compulsorily vaccinated against rabies and such vaccination shall be carried out:
- (a) at such place and by such persons; and

(b) using such vaccine,

as it may specify.

11 The Department may direct that vaccinated animals be identified in such manner as it may specify.

12 The Department may direct that specified wild animals in an infected area shall be:

(a) captured and detained;

(b) vaccinated or otherwise treated; or

(c) destroyed,

by such persons and using such methods as it may specify.

13 The Department shall take all reasonable steps to notify landowners and the occupiers or users of such land of a direction made under paragraph 12 of this Schedule and such notification shall include the methods of destruction to be used.

14 The carcasses of wild animals destroyed in accordance with a direction made under paragraph 12 of this Schedule shall be removed and disposed of by such persons and in such manner as the States Veterinary Officer may specify.

15 The Department may direct that:

(a) any sporting or recreational activity;

(b) any show, competition or other event involving specified animals;

(c) any gathering of specified animals; or

(d) the hunting of any animals by any means,

shall be prohibited in an infected area, other than under the authority of a licence issued by the Department, and shall publish notice of such a direction in La Gazette Officielle.

- 16 The Department may erect, or direct the erection of, signs on the boundaries of an infected area indicating that such an area is an infected area for purposes connected with the control and eradication of rabies.
- 17 Any person who has reasonable grounds to believe that an animal in an infected area is or may be infected with rabies or has died or may have died from rabies shall immediately notify an authorised person of that fact.
- 18 The Department may declare premises in an infected area to be an infected place and may apply the provisions of Schedule 6 to such premises.