

Island of  Guernsey

Ordinance of the States **XXIII**

1961

Made 8th November, 1961.

Came into Operation .. 8th November, 1961.

The Brucellosis Ordinance, 1961

THE STATES, in pursuance of their Resolution of the twentieth day of September, nineteen hundred and sixty-one, and on the representations of the States Committee for Agriculture and Fisheries, hereby order:—

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“ animal ” means a bull, cow, ox, heifer or calf;

“ the Board ” means the States Board of Administration;

“ carcase ” means the carcase of any animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of any animal separately or otherwise, or any portion thereof;

“ the disease ” means brucellosis (*brucella abortus*);

“ police officer ” means a member of the salaried police force of the Island of Guernsey and,

within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“ the States Veterinary Officer ” includes any person nominated by the Board to carry out any special duties in relation to this Ordinance;

“ test ” means the brucella abortus agglutination blood test and any other test for brucellosis which may, from time to time, be approved by the Board and the expression “ tested ” shall be construed accordingly;

“ veterinary surgeon ” means a person authorised to practise as such in the Island of Guernsey.

Testing of animals.

2. (1) Without prejudice to the powers conferred on the States Veterinary Officer under the provisions of the next succeeding section, the Board may, for the purposes of preventing the introduction or spread of the disease, cause any animal to be tested by the States Veterinary Officer on the premises on which that animal is to be found.

(2) Not less than five hours' notice of the time and place of any test to be carried out under the provisions of the last preceding subsection shall be given by the Board to the owner of the animal.

(3) Any owner as aforesaid and any person authorised by him in that behalf may be present at the test, but the absence of the owner or person authorised shall not invalidate the test if due notice thereof under the provisions of the last preceding subsection has been given.

Duty of owner of affected animal.

3. Every person having in his possession or under his charge any animal which is affected or is suspected by him of being affected with the disease shall immediately:—

- (a) isolate that animal and keep it in isolation until notice in writing to the contrary is given to such person by the States Veterinary Officer; and
- (b) notify the States Veterinary Officer, who shall, if he so thinks fit, submit that animal to the test.

4. Every veterinary surgeon shall, in any case where he suspects that the disease exists on any premises, forthwith inform the States Veterinary Officer.

Reporting of disease by veterinary surgeon.

5. The States Veterinary Officer, in any case where he suspects that the disease exists on any premises, is hereby authorised to inspect such premises and any animal on the premises and to keep under inspection any suspected premises or animal for any period which he may think fit.

Inspection of premises and animals.

6. The States Veterinary Officer, as respects every animal which he has submitted to the test, and every veterinary surgeon as respects every animal which he has submitted to the test and which has reacted thereto, or as respects which he is uncertain whether or not the animal has reacted thereto (which latter animal shall hereafter in this Ordinance be referred to as "an inconclusive reactor") shall forward to the Board a written report of the result of the test.

Veterinary Officer to report to Board.

7. When an animal reacts to the test:—

- (a) the Board shall, at the expense of the States, order the immediate isolation, slaughter and disposal of the animal in such manner as the Board shall direct, which slaughter shall be carried out immediately after the animal has been valued in accordance with the provisions of section twelve of this Ordinance; and

Procedure when animal reacts.

- (b) the Board shall instruct the States Veterinary Officer immediately to submit to the test every animal which has been herded with the slaughtered animal at any time during the sixty days next preceding the date of such reaction, every such animal being deemed for the purposes of this Ordinance to be suspected of being affected with the disease :

PROVIDED that any animal which has been submitted to the test without reaction shall not again be submitted to the test until the expiration of thirty days next following its previous submission to the test; and

- (c) the Board may, as respects any other animal in the same herd notwithstanding that such other animal has not reacted to the test—
- (i) order the isolation of that other animal, subject to such conditions and for such time as the Board, in consultation with the States Veterinary Officer, thinks necessary, or
 - (ii) order its slaughter, immediately after the animal has been valued in accordance with the provisions of section twelve of this Ordinance.

Procedure
when
animal is
inconclusive
reactor.

8. When, on test, an animal is found to be an inconclusive reactor the Board shall:—

- (a) order the isolation of that animal for a period of thirty days, after which period the animal shall again be submitted to the test; and
- (b) instruct the States Veterinary Officer immediately to submit to the test every animal which has been herded with such animal at any time during the sixty days next preceding the date of such inconclusive reaction and

every such animal being deemed for the purposes of this Ordinance to be suspected of being affected with the disease:

PROVIDED that any animal which has been submitted to the test without reaction shall not again be submitted to the test until the expiration of thirty days next following its previous submission to the test.

9. (1) A person shall not, without the permission of the Board, knowingly sell, offer for sale, or move from the place where it then is, an animal affected with or suspected by the States Veterinary Officer or a veterinary surgeon of being affected with the disease or which forms part of or comes from a herd which is affected or is suspected as aforesaid of being affected with the disease. Sale or transfer of animals.

(2) A person shall not deliver in completion of the transfer by sale or otherwise an animal over the age of twelve months unless at the time of such delivery there is delivered to the transferee or his agent a certificate from a veterinary surgeon stating that the animal has been submitted to the test by that veterinary surgeon during the thirty days next preceding the date of such delivery and that the animal is not affected with the disease:

PROVIDED that the provisions of this subsection shall not apply to animals delivered for the purpose of being slaughtered immediately after delivery.

10. (1) A person who knows that there is at any place an animal affected with or suspected of being affected with the disease or which forms part of or comes from a herd which is affected or suspected of being affected with the disease, shall not permit the entry on such place of any animal for any purpose except with the permission of the Board. Entry of animal on affected place.

(2) Any animal moved to a place in contravention of the provisions of this section shall for the purposes of sections seven and eight of this Ordinance, be deemed to be included in the herd to which it is moved.

Milk from affected animal.

11. The milk of a cow affected with the disease shall be disposed of forthwith by any person in possession of the same in accordance with the instructions of the States Veterinary Officer.

Compensation.

12. (1) Subject to his having complied with the provisions of this Ordinance, compensation shall be paid by the States to the owner of any animal slaughtered under and in accordance with such provisions.

(2) The compensation payable, in respect of any animal slaughtered in accordance with the provisions of this Ordinance, shall, subject to the provisions of the next succeeding subsection, be—

(a) in the case of cattle, other than oxen, their market value immediately before slaughter or the amount specified hereunder for the category of animal in question, whichever is the less—

(i) a milch cow, or a heifer over six months in calf £160

(ii) a heifer aged—
 two years and over and which is less than six months in calf £120
 two years and over and which is not in calf £110
 one and a half years and under two years £100
 one year and under one and a half years £85
 six months and under one year £60
 under six months £45

(iii) a bull aged—

two and a half years and over	£160
two years and under two and a half years	£120
one and a half years and under two years	£100
one year and under one and a half years	£85
six months and under one year	£60
under six months	£45;

(b) in the case of oxen, their value as meat.

(3) There shall be deducted from the compensation payable in respect of any animal in accordance with the provisions of the last preceding subsection the value, if any, of the carcass of that animal received by, or credited to the account of, the owner thereof.

(4) In assessing the value of any animal for the purposes of the provisions of subsection (2) of this section, no account shall be taken of the fact that, immediately before slaughter, the animal was, or was suspected of being, affected with the disease.

(5) Subject as is hereinbefore provided, if, where an animal is ordered by the Board to be slaughtered, in pursuance of the provisions of this Ordinance, the Board and the owner of the animal do not agree as to the value of such animal, such value shall be assessed, before slaughter, by two valuers, of whom one shall be appointed by the Board, and the other by the owner of the animal.

(6) If such owner shall fail to inform the Board in writing within such period as the Board shall specify to him of the name and address of the valuer appointed by him, a valuer shall be appointed by the President of the States Committee for Agriculture and Fisheries who shall then for the purposes of this

Ordinance be deemed to be the valuer appointed by the owner.

(7) The valuers so appointed shall before commencing their valuation nominate an umpire, who shall assess the value of the animal if the valuers disagree; the decision of the valuers or of the umpire, as the case may be, shall be final.

(8) Payment of compensation as aforesaid shall be full satisfaction of the value of the animal so slaughtered and of all expenses incurred by the owner of the animal in carrying out his duties under this Ordinance, including the costs, if any, of and incidental to a valuation.

Slaughter of
animal
affected.

13. (1) Every animal whose slaughter has been ordered by the Board in pursuance of the provisions of this Ordinance shall be slaughtered in such manner and at such place and the carcass shall be disposed of in such manner as the Board shall order.

(2) Every animal whose slaughter has been ordered by the Board as aforesaid shall be transported from the place where it then is, accompanied by a police officer, in a vehicle which shall thereafter be disinfected under the supervision of the Slaughterhouse Superintendent.

Disinfection
of stables,
etc.

14. (1) When the existence of the disease has been established and after the slaughter of the animal affected therewith, the Board shall cause to be cleansed and disinfected every stable, accessory, utensil and any clothing which might have become contaminated, the whole under the supervision of the States Veterinary Officer.

(2) The States Veterinary Officer shall as soon as may be after the completion of such disinfection make a report in writing to the Board that such

disinfection has been carried out in an effective manner.

(3) A person shall not, without the permission of the Board—

- (a) cause or permit any such stable to be occupied by any animal, or
- (b) cause or permit any such accessory or utensil to be used in connection with any animal.

(4) When it shall appear to the Board to be impracticable to carry out an effective disinfection of the stables or that alterations or repairs to the stables are necessary in order to make them sanitary and fit for use by cattle, the Board, after consulting the States Veterinary Officer and two independent persons appointed by the Royal Guernsey Agricultural and Horticultural Society, are hereby authorised to order that such stables shall not be used to house an animal for such period as the Board shall consider necessary.

15. The cost of submitting an animal to the test by the Board in accordance with the provisions of this Ordinance and of the cleansing and disinfection by the Board of the stables, accessories, utensils and clothing shall be defrayed by the States Expenses. save that where the cost of such cleansing or disinfection has been increased by any wilful act or neglect on the part of the owner of the animal concerned, or of his servants or agents, the Board may recover, as a civil debt, from such owner the amount of such increase; the cost of transport in a vehicle of an animal or carcase to the States Slaughter-house and of the disinfection of such vehicle shall be defrayed by the States.

16. A person shall not inoculate any animal with vaccine containing brucella, whether living or dead. Prohibition of inoculation with brucella.

Offences.

17. A person who contravenes or attempts to contravene or fails to comply with any of the provisions of section three (which relates to the duty of the owner of an affected animal), section four (which relates to the reporting of the existence of the disease by a veterinary surgeon), section six (which relates to the duty of the States Veterinary Officer to report the result of tests to the Board), section nine (which relates to the sale and movement of affected animals), section ten (which relates to the entry of animals on an affected place), section eleven (which relates to the destruction of milk of a cow affected with the disease), subsection (2) and subsection (3) of section fourteen (which relates to the disinfection and use of stables) and section sixteen (which relates to the inoculation of animals with brucella) of this Ordinance or who fails to comply with any order given in pursuance of any of the provisions of this Ordinance or any condition attached thereto or who obstructs or attempts to obstruct the States Veterinary Officer in the execution of his duties in pursuance of the provisions of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

Extent.

18. This Ordinance shall apply to the Islands of Guernsey, Herm and Jethou.

Citation.

19. This Ordinance may be cited as the Brucellosis Ordinance, 1961.

R. H. VIDELO,

Her Majesty's Greffier.