

# ORDER IN COUNCIL

**X**  
**1992**

ratifying a Projet de Loi

ENTITLED

## **The Animal Experiments (Bailiwick of Guernsey) Law, 1992**

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(Registered on the Records of the Island of Guernsey  
on the 2nd February, 1993.)

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1992

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 2nd day of February, 1993 before Graham Martyn Dorey, Esquire, Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of October, 1992, approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Animal Experiments (Bailiwick of Guernsey) Law, 1992”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ordered:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney and to the S n schal of Sark for registration on the records of those Islands respectively.

# At the Court at Buckingham Palace

The 28th day of October 1992

PRESENT,

## The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the affairs of Guernsey and Jersey dated the 30th day of September 1992 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee a humble petition of the States of the Island of Guernsey setting forth:—

1. That, in pursuance of their Resolution of the 26th day of October 1983 the States of Deliberation at a meeting held on the 31st day of July 1991 approved a Bill or “Projet de Loi” entitled “The Animal Experiments (Bailiwick of Guernsey) Law, 1992”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 9th day of October, 1991, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 2nd day of October, 1991, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Animal Experiments (Bailiwick of Guernsey) Law, 1992”, and to order that the same shall have force of law in the Bailiwick of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*G. I. de Deney*

(No.X - 1992)

# PROJET DE LOI

ENTITLED

## **The Animal Experiments (Bailiwick of Guernsey) Law, 1992**

THE STATES, in pursuance of their Resolution of 26th October 1983(a), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### Procedures to which this Law applies.

1.(1) This Law applies to any experimental or other scientific procedure involving the use of a protected animal, which -

- (a) may cause the animal pain, suffering, distress or lasting harm; or
- (b) is intended or liable to result in the birth or hatching of an animal in pain, suffering or distress, or the birth or hatching of an animal which has been caused lasting harm.

(2) In determining whether a procedure may have the effect mentioned in paragraph (1)(a) of this section the use of an anaesthetic or analgesic, and any procedure for rendering the animal insentient, are to be disregarded; and any of those things done to a protected animal for the purposes of an experimental or scientific procedure is itself a procedure to which this Law applies.

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(a) on Article VI of Billet d'Etat No. XIX of 1983.

(3) Notwithstanding subsections (1) and (2) of this section, nothing in this Law applies to -

- (a) the killing, marking, ringing or tagging of an animal by the least painful methods accepted in modern practice; or
- (b) any non-experimental recognised agricultural, veterinary or animal husbandry practice.

Restrictions on use etc. of protected animals.

2. No person shall, otherwise than under and in accordance with the conditions of a licence, -

- (a) use an animal in a procedure to which this Law applies; or
- (b) keep, breed, import, export, sell or otherwise dispose of an animal for use in a procedure to which this Law applies; or
- (c) provide or operate an establishment used for any of the purposes set out in paragraph (a) or paragraph (b) of this section.

Licences.

3.(1) The States may, from time to time, by Ordinance provide for the issuing of licences, and generally for the carrying into effect of this Law.

(2) Without prejudice to the generality of subsection (1) of this section, an Ordinance made under this section may -

- (a) empower the Board to issue licences authorising the carrying on of any of the activities set out in section 2 of this Law;
- (b) specify conditions subject to which licences may be issued;
- (c) prescribe procedures for, and any fees payable in connection with, applications for licences, and the form of licences;
- (d) make provision for establishing compliance with conditions of licences, including provision for the appointment of inspectors and their powers;
- (e) specify the circumstances in which, and procedures in accordance with which, licences may be varied or revoked;
- (f) prescribe the maximum penalties which may be imposed upon a person convicted of an offence against any such Ordinance;
- (g) make such other provision as the States consider appropriate.

- (3) An Ordinance made under this section -
- (a) may make different provision for different cases and circumstances;
  - (b) may at any time be amended or repealed by a further Ordinance made under this section.

Offences.

4.(1) Any person who contravenes or attempts to contravene section 2 of this Law is guilty of an offence and liable -

- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding six months, or to both.

(2) Save as expressly provided by that Ordinance, any person who, otherwise than in such circumstances that he commits an offence under subsection (1) of this section, contravenes or attempts to contravene, or fails to comply with, a provision of any Ordinance made under this Law is guilty of an offence against that Ordinance and liable on conviction to a fine not exceeding such amount as may from time to time be prescribed for that offence by any such Ordinance.

(3) Any person who -

- (a) causes or permits the commission of an offence under this section or against an Ordinance made under this Law; or
- (b) aids, abets, counsels or procures the commission of an offence under this section or against an Ordinance made under this Law

may be proceeded against in the same manner, and is liable on conviction to the same punishment, as if he had committed that offence.

Meaning of "protected animal".

5.(1) For the purposes of this Law "a protected animal" means any living vertebrate other than man.

(2) Any such vertebrate in its foetal, larval or embryonic form is "living" for the purposes of this Law -

- (a) from the stage when
  - (i) in the case of a mammal, bird or reptile, half the gestation or incubation period for the relevant species has elapsed,
  - (ii) in any other case, it becomes capable of independent feeding;
- (b) until the permanent cessation of circulation or the destruction of its brain.

(3) The Board may from time to time by regulations made under this section -

- (a) extend the definition of a protected animal so as to include invertebrates of any description;
- (b) alter any stage of development specified in paragraph (2)(a) of this section;
- (c) make provision in lieu of paragraph (2)(a) of this section as respects invertebrates of any description.

(4) Regulations made under this section shall be laid before a meeting of the States as soon as possible, and shall cease to have effect if the States so resolve of that meeting or their next meeting, but without prejudice to anything done under them or to the making of new regulations.

General interpretation.

6.(1) In this Law, unless the context otherwise requires, -

"the Board" means the States Agricultural and Milk Marketing Board or such other Committee of the States as the States may from time to time specify by Ordinance;  
"establishment" means any facilities for

carrying on a procedure to which this Law applies, including mobile facilities and any building, group of buildings or other premises, whether or not enclosed or covered;

"licence" means a licence issued by the Board under the authority of an Ordinance made under section 3 of this Law;

"procedure" includes a series or combination of procedures;

"the States" means the States of Guernsey;

"vertebrate" means any animal of the Sub-phylum Vertebrata of the Phylum Chordata, and "invertebrate" is to be construed accordingly.

(2) Any reference in this Law to another enactment is a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

(3) The Interpretation (Guernsey) Law, 1948(b) applies for the purposes of interpretation of this Law throughout the Bailiwick of Guernsey.

Savings.

7.(1) Nothing in this Law or in a licence relieves

any person of any liability arising under the Protection of Animals Ordinance, 1976(c) or the Veterinary Surgery and Animal Welfare Ordinance, 1987(d).

(2) The prohibitions on importing or exporting animals imposed by paragraph (b) of section 2 of this Law are in addition to any other control applicable to importation or exportation, and a licence to import or export an animal does not relieve any person of any duty, obligation or liability arising under or in consequence of any provision of any such control.

Citation.

8. This Law may be cited as the Animal Experiments (Bailiwick of Guernsey) Law, 1991.

Commencement.

9. This Law shall come into force on such day as the States may by Ordinance appoint, and different days may be so appointed for different provisions of this Law and for different purposes.

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(c) Recueil d'Ordonnances Tome XX, p.369.  
(d) Ordinance No. X of 1987.