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THE ANIMAL HEALTH (ALDERNEY) ORDINANCE, 2002

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THE ANIMAL HEALTH (ALDERNEY) ORDINANCE, 2002

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 11th September, 2002, and in exercise of the powers conferred on them by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994¹ and all other powers enabling them in that behalf, hereby order:-

PART I PREVENTION, CONTAINMENT AND SUPPRESSION OF ANIMAL DISEASES

Notification and testing

Notifiable animal diseases.

1. (1) A notifiable animal disease is any disease for the time being listed in the left hand column of either Part of Schedule 1.

(2) A compulsory slaughter disease is any disease for the time being listed in the left hand column of Part 1 of Schedule 1.

(3) A susceptible animal in relation to any particular notifiable animal disease is an animal of any of the species identified in relation to that disease in the right hand column of Schedule 1.

(4) The Committee may from time to time by Order -

(a) add any disease to, or delete any disease from, the list of notifiable animal diseases in the left hand column of Part 2 of Schedule 1;

(b) vary the species identified in the right hand column of either part of Schedule 1 in relation to any particular notifiable animal disease.

Reporting and immediate precautions.

2. (1) A person who owns or has in his charge any animal which is, or which he suspects to be, infected with a notifiable animal disease must -

¹ Order in Council No. III of 1994.

- (a) immediately notify the States Veterinary Officer of the infection or suspected infection; and
 - (b) immediately isolate the animal and keep it in isolation until notice in writing to the contrary is given to him by the States Veterinary Officer; and
 - (c) detain all susceptible animals, and any carcasses and/or hatching eggs of susceptible animals, on the premises where the infection is or is suspected; and
 - (d) comply with any requests for information reasonably made by the States Veterinary Officer.
- (2) Every veterinary surgeon must -
- (a) immediately forward to the States Veterinary Officer a written report of the result of every test undertaken by him for a notifiable animal disease where the tested animal has reacted, or where he is uncertain whether or not the animal has reacted;
 - (b) immediately inform the States Veterinary Officer where he suspects that a notifiable animal disease exists on any premises.

3. (1) If the States Veterinary Officer suspects (whether on the basis of a notification or report given under section 2 or otherwise) that a notifiable animal disease may exist on any premises he may -

- (a) inspect, and keep under inspection for as long as he considers necessary, those premises and any susceptible animals on them;
- (b) arrange for any susceptible animals which are on those premises, or which have been on those premises during the preceding 60 days, to be tested by an authorised person for that disease.

(2) Testing for a relevant bovine disease under this section is to be carried out in accordance with the Community provisions or testing procedures specified for that disease in Part 2 of Schedule 3.

**Testing where
infection
suspected.**

(3) The owner of an animal being tested under this section, or a person authorised by him, may be present at the test; but the absence of such owner or authorised person does not invalidate any test.

(4) An authorised person, upon production if so required of his authorisation and having first given such notice, if any, as is reasonably practical in all the circumstances, may -

- (a) at any time during the hours of daylight enter any premises for the purpose of testing pursuant to this section; and
- (b) if necessary, be accompanied by a police officer, who may use reasonable force to restrain any person obstructing or threatening to obstruct the testing.

(5) The owner or person in charge of an animal must comply with all reasonable requirements of an authorised person with a view to facilitating any test pursuant to this section, and must in particular arrange, if so required, for the collection, penning and securing of animals to be tested.

(6) The owner or person in charge of an animal must not do, or cause or permit to be done, anything which is likely to affect the result of a test conducted pursuant to this section.

(7) If a person contravenes subsection (5) or subsection (6) of this section the Committee may, without prejudice to any proceedings for an offence arising out of that contravention, take all steps necessary to facilitate the reliable testing of any animals concerned, and recover from that person any expenses reasonably incurred by it in so doing.

(8) Subject to subsection (7) of this section the expenses of any tests under this section are to be defrayed by the Committee.

Reporting results.

4. An authorised person who conducts any test pursuant to section 3 must as soon as practicable provide the Committee with a written report of the result of that test; and

the owner of an animal in respect of which such a report has been provided to the Committee is entitled, if he so requests, to a copy of it.

Compulsory slaughter diseases

5. If an animal reacts to a test conducted under section 3 in respect of any compulsory slaughter disease -

Positive reaction to compulsory slaughter disease tests.

(a) the Committee must, at the expense of the Committee, order the immediate isolation, slaughter and disposal of the animal in such manner as the Committee may direct, which slaughter must be carried out immediately after the animal has been valued in accordance with section 8 and Schedule 2; and

(b) the Committee must instruct the States Veterinary Officer immediately to cause to be tested for that disease every susceptible animal which has been herded with the slaughtered animal at any time during the 60 days preceding the date of the reaction:

PROVIDED that any animal which has been submitted to that test without reaction shall not again be submitted to it until the expiration of such period as may reasonably be specified by the States Veterinary Officer after its previous submission to the test; and

(c) the Committee may, as respects any other susceptible 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 Committee in consultation with the States Veterinary Officer thinks necessary, or

(ii) order its slaughter, immediately after the animal has been valued in accordance with section 8 and Schedule 2.

Inconclusive reaction to compulsory slaughter disease tests.

6. If on any test conducted under section 3 an animal is found to be an inconclusive reactor in respect of any compulsory slaughter disease the Committee must -

- (a) order the isolation of that animal for such period as may reasonably be specified by the States Veterinary Officer, after which period the animal must again be submitted to testing for that disease; and
- (b) instruct the States Veterinary Officer immediately to cause to be tested for that disease every susceptible animal which has been herded with that animal at any time during the 60 days preceding the date of the inconclusive reaction:

PROVIDED that any animal which has been submitted to that test without reaction shall not again be submitted to it until the expiration of such period as may reasonably be specified by the States Veterinary Officer after its previous submission to the test.

Slaughter of infected animals.

7. (1) If the slaughter of an animal is ordered by the Committee under this Ordinance -

- (a) the animal must be transported to a place of slaughter directed by the States Veterinary Officer;
- (b) the vehicle in which it is so transported must thereafter be disinfected in such manner as may be specified by the States Veterinary Officer;
- (c) the animal must be slaughtered, and its carcase must be disposed of, in such manner as the States Veterinary Officer may direct.

(2) A carcase disposed of by burial pursuant to this section must not be dug up otherwise than in accordance with the terms of a permit issued by the Committee.

Compensation.

8. (1) The owner of an animal which is slaughtered pursuant to this Ordinance is entitled, if he has complied with all of the provisions of this Ordinance applicable to him, to be

paid compensation by the Committee calculated in accordance with Schedule 2.

(2) The Committee may from time to time by order increase any of the maximum amounts of compensation set out in Schedule 2.

(3) In assessing the value of any animal for the purposes of Schedule 2, no account is to be taken of the fact that, immediately before slaughter, the animal was, or was suspected of being, infected with a compulsory slaughter disease.

(4) If an animal is ordered by the Committee to be slaughtered pursuant to this Ordinance and the Committee and its owner do not agree as to its value, its value shall be assessed, before slaughter, by two valuers, one appointed by the Committee and the other by the owner of the animal.

(5) If such an owner fails to inform the Committee in writing within such period as the Committee specifies to him, of the name and address of the valuer appointed by him, another valuer shall be appointed by the Chairman of the Committee, and shall then for the purposes of this Ordinance be deemed to be the valuer appointed by the owner.

(6) The valuers so appointed must 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, is final.

(7) Payment of compensation in accordance with this section and Schedule 2 shall be in full satisfaction of the value of the slaughtered animal 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.

Infected premises

9. (1) Upon receipt of notification from the States Veterinary Officer that a notifiable animal disease exists, or is suspected to exist, on any premises the Committee may, by

Infected premises declaration.

notice in writing addressed to the occupier of those premises, declare them to be infected premises.

(2) The Committee may revoke a declaration under this section by notice in writing addressed to the occupier of the premises concerned.

(3) Whilst a declaration under this section is in force in the case of any premises sections 10 to 13 of this Ordinance apply in relation to those premises.

Disinfection.

10. (1) The Committee may cause to be cleansed and disinfected under the supervision of the States Veterinary Officer any building, structure, equipment, vehicle or clothing which is or has been on infected premises.

(2) A person must not cause or permit the use in connection with animals of anything which may have become contaminated, except in accordance with the permission of the States Veterinary Officer.

(3) The States Veterinary Officer must as soon as possible after the effective completion of such disinfection, report that fact in writing to the Committee.

(4) The cost of cleansing and disinfection under this section is to be defrayed by the Committee:

PROVIDED THAT where that cost is increased by reason of the wilful default or neglect of any person the Committee may recover the amount of that increase as a debt due from that person.

Accommodation and movement of animals.

11. (1) If it appears to the Committee to be impracticable to carry out an effective disinfection of any part of infected premises, or that alterations or repairs to any building or structure are necessary in order to make it sanitary and fit for use by animals, the Committee, after consulting the States Veterinary Officer, and two independent persons appointed by the President of the States, may order that that part of the premises, or that building or structure, as the case may be, shall not be used to house animals for such period as the Committee considers necessary.

(2) A person must not cause or permit any part of infected premises to be occupied by an animal in contravention of any reasonable requirement made by the States Veterinary Officer.

(3) No susceptible animal may be moved into or out of infected premises except in accordance with the terms of any permission given by the States Veterinary Officer.

12. (1) If the Committee so directs by notice in writing to the occupier of infected premises then it is the duty of that occupier to ensure that no person other than a person attending infected or suspected animals enters such part of those premises as is specified in the notice, except with the permission of the States Veterinary Officer.

Entry of persons on infected premises.

(2) A person entering infected premises must comply with all directions given by the States Veterinary Officer as to the wearing, storage and disinfection of specified clothing and footwear, and as to the washing of hands.

(3) A person attending any infected or suspected animal on infected premises must not attend any other animal on those premises without the permission of the States Veterinary Officer.

(4) The States Veterinary Officer may require that a receptacle of approved disinfectant be kept at all points of access to infected premises at the cost of the Committee:

PROVIDED that where that cost is increased by the default or neglect of any person the Committee may recover the amount of that increase as a debt due from that person.

13. (1) A person must not remove from any infected premises -

Removal of articles and material.

- (a) any animal carcase,
- (b) any animal product, including waste,
- (c) anything which may have been in contact with an infected animal,

without the permission of the States Veterinary Officer or

otherwise than in accordance with the terms of such permission.

(2) Anything so removed with permission for the purpose of disposal must be disposed of as prescribed by the States Veterinary Officer.

(3) No animal excrement must be permitted to escape from any part of infected premises where infected or suspected animals have been kept within the previous 60 days, unless it has been disinfected to the satisfaction of the States Veterinary Officer.

Infected areas

Infected area declaration.

14. (1) If in the opinion of the Committee a notifiable animal disease which has occurred in the island of Alderney ought, in the interests of animal health throughout or beyond that island to be contained within it, or within any part of it, then the Committee may by Order declare that island, or such part of that island as is specified in the Order, to be an infected area in respect of that disease.

(2) Without prejudice to its duties arising under section 33(1)(c), the Committee must cause there to be published in the Alderney Official Gazette a notice of the making of every Order declaring an infected area, together with a statement of its terms, and also a notice of any variation or revocation of such an Order.

Infected area restrictions.

15. (1) Whilst an Order declaring an infected area is in force it is unlawful, otherwise than in accordance with a permission given by the Committee -

- (a) to move any susceptible animal out of or into the infected area;
- (b) to move any susceptible animal along or across any public road or path within the infected area;
- (c) to water any susceptible animal at a stream within the infected area;
- (d) to graze any susceptible animal within the infected

area unless it is securely tethered or confined within its grazing area;

- (e) to remove any susceptible animal from the island of Alderney.

(2) For the avoidance of doubt, permission to do something which would otherwise be prohibited by virtue of this section may be given either

- (a) specifically to a particular person for a particular purpose; or
- (b) by means of a notice published in the Alderney Official Gazette, to all persons or all persons of a given description, for such purposes and in such circumstances as may be set out in the notice;

and may in either case be given subject to conditions.

16. (1) The Committee may by Order made at the same time as, or at any time within 12 months following, the revocation of an Order under section 14(1) prohibit the breeding within the previously infected area of any previously susceptible animal species (except with another animal on the same holding) otherwise than in accordance with a permission given by the Committee.

Subsequent breeding restrictions.

(2) An Order under this section shall lapse, unless previously revoked, on the first anniversary of the revocation of the Order under section 14(1), or on such earlier date as may be specified in the Order under this section in that behalf.

Further precautions with regard to animal diseases

17. (1) A person must not, without the permission of the Committee, knowingly sell, offer for sale, or move from the place where it then is, an animal infected, or suspected by the States Veterinary Officer or a veterinary surgeon of being infected, with any notifiable animal disease, or a susceptible animal which has been in contact with an animal so infected or suspected.

Sale, transfer and movement of animals.

(2) A person who knows that there is at any place an animal which is, or which is suspected of being, infected with a notifiable animal disease, must not permit the entry of any susceptible animal on that place without the permission of the Committee.

Milk from infected animals.

18. (1) Any person in possession of the milk of an animal infected by a notifiable animal disease must forthwith dispose of that milk in accordance with the instructions of the States Veterinary Officer.

(2) A person must not use the milk of any animal which is, or which is suspected by the States Veterinary Officer or a veterinary surgeon of being, infected with any notifiable animal disease, for the purpose of animal feed without the permission of the States Veterinary Officer or otherwise than in accordance with any condition subject to which that permission has been given.

Abortions in bovine animals.

19. A person who owns or has in his charge any bovine animal must, on the occurrence of an event which he has reason to believe involves an abortion or premature calving -

- (a) immediately give notice of that fact to the States Veterinary Officer; and
- (b) isolate the animal concerned, so far as practical, from all other animals; and
- (c) retain the foetus or calf, and the placenta until directions for their disposal have been given by the States Veterinary Officer; and
- (d) comply with any directions so given.

Prohibition of inoculation with brucella.

20. A person must not inoculate any animal with vaccine containing brucella, whether living or dead.

Sheep dipping.

21. If in the opinion of the Committee it is expedient to do so for the purpose of preventing the introduction or spread of sheep scab into or within the island of Alderney, the Committee may by Order make provision for the compulsory dipping of sheep in the manner, at the times, and subject to the conditions specified in the Order.

PART II
ESTABLISHING AND MONITORING THE HEALTH
OF BOVINE HERDS

Routine bovine health testing

22. (1) It is the duty of the Committee periodically to arrange for the testing and certification of all bovine animals in Alderney in accordance with this Part of this Ordinance.

General duties as respects routine testing and certification.

(2) It is the duty of every person who owns or has in his charge bovine animals to co-operate with the Committee in the testing and certification of those animals in accordance with this Part of this Ordinance.

(3) Testing under this Part of this Ordinance may be carried out at such intervals as the Committee considers appropriate.

(4) Subject to section 3(7), the costs of testing and certification under this Part of this Ordinance are to be defrayed by the Committee.

23. (1) Routine testing under this Part of this Ordinance -

Scope and manner of routine testing.

- (a) is compulsory in relation to all bulls, cows, oxen, heifers and calves ("bovine animals");
- (b) may be required by the Committee in the case of a particular bovine herd, in relation to any other animals which are herded with or kept on the same holding as that herd ("other relevant animals").

(2) The diseases in respect of which testing under this Part of this Ordinance is to be carried out are those for the time being listed in Part 1 of Schedule 3 ("relevant bovine diseases").

(3) Testing in respect of any relevant bovine disease under this Part of this Ordinance is to be carried out in accordance with the Community provisions or testing procedures for the time being specified for that disease in Part 2 of Schedule 3.

(4) The Committee may from time to time by Order add to or amend -

- (a) the diseases listed in Part 1 of Schedule 3, or
- (b) the Community provisions and testing procedures specified in Part 2 of Schedule 3.

Conduct of routine tests.

24. (1) All tests arranged by the Committee pursuant to this Part of this Ordinance must be conducted by an authorised person; and before conducting a test on any animal that authorised person must ensure that the owner or a person in charge of the animal has either -

- (a) agreed to the test, or
- (b) been given at least 24 hours' notice in writing of the Committee's intention to conduct the test.

(2) Sections 3(2) to 3(8), and section 4, apply in the case of routine tests pursuant to this Part of this Ordinance (subject, in the case of section 3(4) to compliance with subsection (1) of this section) as those provisions apply in the case of tests under section 3.

Bovine health certification

Certification of health status.

25. (1) When an animal has reacted negatively to all of the tests for all relevant bovine diseases the Committee may certify that animal as disease free; and must thereupon issue a certificate to that effect to its owner.

(2) A certification under subsection (1) renders an animal a certified disease free animal for the purposes of this Part of this Ordinance until -

- (a) such date as is specified in the certificate referred to in that subsection as its expiry date,
- (b) it is herded with or kept on the same holding as an animal which was not immediately beforehand a certified disease free animal, without the permission of the Committee under section 26(3),
- (c) a bovine animal comprised in the herd, or an other

relevant animal kept on the same holding as the herd, reacts to any test (whether or not under this Part of this Ordinance) for a relevant bovine disease,

whichever first occurs.

(3) A certification under subsection (1) is for the purposes of this Ordinance only and does not confer any right of action in law in favour of the owner of an animal against any other person.

26. (1) Subject only to any restrictions applicable at the time under Part I of this Ordinance, and to compliance with sections 29 and 30, a certified disease free animal may be joined without restriction by any other certified disease free animal.

Additions to disease free herds.

(2) Subject to subsection (3) of this section, a person must not cause or permit an animal which was not immediately beforehand a certified disease free animal, to join, or to be kept on the same holding as, a certified disease free animal.

(3) If the Committee is satisfied, in a particular case, that bovine animal health can be adequately safeguarded by isolation, cleansing, testing or other procedures, and that there is good reason for so doing, the Committee may in its absolute discretion give written permission, subject to compliance with conditions as to such procedures, for a bovine or other relevant animal to join, or to be kept on the same holding as, a certified disease free animal; and a person who acts in accordance with such permission and conditions does not thereby contravene subsection (2) of this section.

Bovine identification and records

27. (1) Every bovine animal must be marked in accordance with this section within 30 days of its birth and before leaving the holding of its birth.

Identification marks.

(2) The mark required by this section is an

identification device in the form of an eartag or tattoo bearing an alphanumeric code not exceeding 14 characters, or an electronic implant so encoded, which -

- (a) makes it possible to identify each animal individually along with the holding on which it was born;
- (b) is tamper-proof and easy to read for the animal's life time;
- (c) is incapable of re-use;
- (d) is such as to remain on the animal without interfering with its well-being;
- (e) is of a type, and has been allocated to the animal concerned according to a system, approved by the Committee by Order.

(3) The Committee may, by notice to the owner of any other relevant animal which has been tested pursuant to this Ordinance, require that animal to be marked in accordance with this section subject to such adaptations as the Committee may specify.

(4) It is the duty of the owner of every animal required to be identified by or under the provisions of this section to comply with those requirements; but if he does not do so then, without prejudice to any proceedings for an offence arising out of that default, the Committee may do so, and may recover from the owner of the animal any expenses reasonably incurred by it in doing so.

(5) For the purpose of applying a means of identification on behalf of the Committee pursuant to this section an authorised person, upon production if so required of his authorisation, may at any time during the hours of daylight enter any holding and apply the mark to any bovine animal or other relevant animal thereon, provided that he has first given to the owner of that animal 24 hours' notice in writing of his intention to do so.

- (6) A person must not -

- (a) alter, remove, deface or tamper with an identification mark affixed pursuant to this section;
- (b) apply an identification mark allocated in accordance with this section otherwise than according to the system for the time being approved by the Committee by Order under this section.

28. (1) Every person who owns a bovine animal must inform the Committee in writing as soon as practical after he first becomes such a person.

Issue and maintenance of record books.

(2) It is the duty of the Committee to issue to every person who it knows to be the owner of a bovine animal (whether by virtue of information given under subsection (1) of this section or otherwise) with a separate record book, in such form as the Committee may from time to time approve, for each holding on which he keeps bovine animals.

(3) Every record book issued by the Committee is the property of the Committee, and the owner of the animals to which it relates must -

- (a) keep it safe at all times and not permit it to be mutilated or defaced;
- (b) cause to be recorded in it, at the times and in the manner required by or under this Ordinance, all of the information, and only the information, specified in section 29.

29. (1) Within 14 days of a record book being issued for a holding there must be recorded in it the following information with regard to every bovine animal on the holding -

Information to be recorded.

- (a) whether the animal is a bull, cow, ox, heifer or calf;
- (b) the date, or approximate date, of its birth;
- (c) if the animal was not born on the holding, the date, or approximate date, when it joined or last joined the herd, and the holding from which it then came;
- (d) the date on which the animal was last tested by the Committee for each relevant bovine disease;

- (e) if the animal has been marked in accordance with this Ordinance, its alphanumeric code.
- (2) The following information must be recorded in the record book for a herd as soon as practicable -
- (a) each birth to a female bovine animal comprised in the herd, and all of the details listed in subsection (1) of this section in relation to each animal so born;
 - (b) the death (whether by natural causes, accident or slaughter) of a bovine animal comprised in the herd, and the cause of its death;
 - (c) the arrival at the holding of a bovine animal joining the herd from another holding, and all of the details listed in subsection (1) in relation to that animal;
 - (d) the movement of a bovine animal from the holding either -
 - (i) to another holding, identifying that holding, or
 - (ii) for slaughter, identifying the place of slaughter;
 - (e) such other information as the Committee may specify by Order;
 - (f) all additions and changes to the details required to be recorded by subsection (1) of this section, or by or under the preceding paragraphs of this subsection.
- (3) In the record book for a herd kept on a holding where other relevant animals, or other relevant animals of a particular species, have been tested and/or marked pursuant to this Ordinance, each of the details listed in subsections (1) and (2) of this section (apart from subparagraph (1)(a)) must also be recorded, as in the case of bovine animals, in respect of all other relevant animals, or all other relevant animals of that species as the case may be, together with the species and sex of each such animal.

30. The owner or person in charge of a herd must -

Notification and inspection of records.

- (a) send to the Committee a copy of any entry made in the herd's record book, within 24 hours of it being made;
- (b) make that record book available for inspection forthwith upon being so requested by an authorised person who has, if so required, produced his authorisation.

PART III

GENERAL, MISCELLANEOUS AND SUPPLEMENTARY

31. A person who -

Offences and penalties.

- (a) contravenes, attempts to contravene, or fails to comply with, any provision of this Ordinance; or
- (b) fails to discharge any duty to which he is subject by virtue of this Ordinance; or
- (c) fails to comply with any direction given or requirement made under this Ordinance; or
- (d) contravenes, attempts to contravene, or fails to comply with, any conditions subject to which a permission is given under this Ordinance; or
- (e) obstruct or attempts to obstruct an authorised person exercising any functions under this Ordinance,

is guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

32. (1) In this Ordinance, unless the context otherwise requires -

Interpretation.

“authorised person” means a person authorised in writing by the Committee to perform the functions of an authorised person, or any of those functions, under this Ordinance;

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

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

“**cattle**” means bovine animals;

“**certified disease free animal**” means an animal so certified under section 25(1);

“**Committee**” means the States General Services Committee;

“**compulsory slaughter disease**” means any disease for the time being listed in the left hand column of Part 1 of Schedule 1;

“**herd**” in the context of bovine animals, means -

- (a) a single bovine animal kept alone on a holding; or
- (b) any number of bovine animals kept together in a holding,

together with any other relevant animals which are herded with that bovine animal or those bovine animals, and related words and expressions are to be construed accordingly;

“**holding**” means any land, with or without buildings, on which one or more bovine animals is or are kept; and if a person occupies land which comprises two or more non-adjacent areas each of those areas is a separate holding for the purposes of this Ordinance;

“**infected premises**” means any premises so declared by an Order made by the Committee under section 9(1);

“**infected area**” means any area so declared by an Order made by the Committee under section 14(1);

“**mark**” means an identification device conforming to section 27(2);

“**notifiable animal disease**” means any disease for the time being listed in the left hand column of either Part of Schedule 1;

“**this Ordinance**” includes any Order made by the Committee under this Ordinance;

"other relevant animal" has the meaning given in section 23(1)(b);

"owner" means -

- (a) in relation to an animal comprised in a herd in respect of which a record book has been issued, the person named as owner on that record book;
- (b) in relation to any other animal, the person having, or appearing to the Committee to have, the right to dispose of that animal,

and related words are to be construed accordingly;

"police officer" means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the Alderney Special Constabulary;

"poultry" means domestic fowl, turkey, geese, duck, guinea fowl, partridge, pheasant and pigeon;

"premises" includes land and buildings; and if a person occupies two or more non-adjacent areas each of them comprises separate premises for the purposes of this Ordinance;

"record book" means a book issued by the Committee under section 28(2);

"relevant bovine disease" means a disease for the time being listed in Part 1 of Schedule 3;

"States Veterinary Officer" includes any veterinary surgeon appointed by the Committee as a deputy or temporary States Veterinary Officer, or so appointed to carry out any particular function of the States Veterinary Officer;

"susceptible animal" has the meaning given in section 1(3);

"test" means -

- (a) in relation to a relevant bovine disease, a test carried out in accordance with the appropriate Community provisions or testing procedures specified in Part 2 of Schedule 3;

- (b) in the case of any other notifiable animal disease, any procedure accepted by the States Veterinary Officer as appropriate to the diagnosis of that disease;

“**this Ordinance**” includes any Order made by the Committee under this Ordinance;

“**veterinary surgeon**” means a recognised veterinary surgeon within the meaning of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994².

(2) A reference in this Ordinance to an animal having reacted to a test (except in the phrase “reacted negatively”) means that the test has clinically established that the animal is infected with the notifiable animal disease for which that test has been conducted.

(3) A reference in this Ordinance to a section or Schedule by number is to the section or Schedule so numbered in this Ordinance.

(4) A reference in this Ordinance to any enactment, including a Community instrument within the meaning of section 1(1) of the European Communities (Balliwick of Guernsey) Law, 1973³, is to that enactment as from time to time amended, extended, repealed and replaced (with or without modification) or applied by or under any other enactment, whether made or passed before or after the commencement of this Ordinance.

Orders.

33. (1) An Order of the Committee made under this Ordinance -

- (a) may be amended or revoked by a subsequent Order so made;
- (b) may contain consequential, incidental, supplementary and transitional provisions;
- (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next

² Ordinance No. XVIII of 1994.

³ Ordres en Conseil Vol. XXIV, p. 87.

meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new Order.

(2) Any power conferred on the Committee by this Ordinance to make an Order may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases;
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision;
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or for different purposes;
 - (iii) any such provision either unconditionally, or subject to any prescribed conditions, including conditions requiring persons to obtain and comply with licences or permissions.

34. (1) Any notice or notification under this Ordinance may be given-

Notices.

- (a) to an individual, by being delivered to him, or by 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 Alderney, by being left at, or sent by post or transmitted to, that office;
- (c) to a body corporate without a registered office in Alderney, by being left at, or sent by post or transmitted to, its principal or last known place of business in Alderney;
- (d) to an unincorporated body, by being given to any partner, member, manager or officer thereof in

accordance with paragraph (a), or by being left at, or sent by post or transmitted to, the body's principal or last known place of business in Alderney;

- (e) to the Committee, by being left at, or sent by post or transmitted to, the principal office of the Committee;

and in this section the expression “**by post**” means by registered post or recorded delivery service, and the expression “**transmitted**” means transmitted by telex, facsimile transmission or other similar means which produce a document containing the text of the communication.

(2) Where the name or address of any person to whom a notice or notification is to be given under this Ordinance cannot after reasonable enquiry be ascertained, the notice or notification may be given by being delivered to some responsible person at the holding or other premises in question or, if there is no such person, by being affixed to a conspicuous part of the holding or other premises.

(3) Subsections (1) and (2) are without prejudice to any other lawful method of service.

Repeals.

35. (1) The enactments listed in Schedule 4 are repealed.

(2) In Part II of Schedule 2 to the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997⁴ the references to -

- (a) the Foot and Mouth Disease (Alderney) Ordinance, 1952,
- (b) the Fowl Pest (Alderney) Ordinance, 1954,
- (c) the Bovine Tuberculosis (Alderney) Ordinance, 1956, and
- (d) the Brucellosis (Alderney) Ordinance, 1968,

are repealed.

⁴ Ordinance No. II of 1997.

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|---|--|
| <p>36. The transitional provisions in Schedule 5 shall have effect.</p> | <p>Transitional provisions.</p> |
| <p>37. This Ordinance applies in the Island of Alderney.</p> | <p>Application.</p> |
| <p>38. This Ordinance may be cited as the Animal Health (Alderney) Ordinance, 2002.</p> | <p>Citation.</p> |
| <p>39. This Ordinance shall come into force on the 1st October, 2002.</p> | <p>Commencement.</p> |

SCHEDULE 1
NOTIFIABLE ANIMAL DISEASES

Sections 1,2,3,5,6,
7,8,9,14,17,18.

PART 1

COMPULSORY SLAUGHTER DISEASES

Sections 1(2),5,6, 7 & 8.

<u>Disease</u>	<u>Affected Species</u>
African Horse Sickness	Horses
Atrophic Rhinitis	Pigs
Aujeszky's Disease	Cattle/Sheep/Pigs
Bluetongue	Cattle/Sheep
Bovine Spongiform Encephalopathy	Cattle
Bovine Tuberculosis	Cattle
Brucellosis (brucella abortus)	Cattle
Cattle Plague	Cattle
Contagious Bovine Pleuropneumonia	Cattle
Dourine	Horses
Enzootic Bovine Leukosis	Cattle
Epizootic Lymphangitis	Horses
Equine Encephalomyelitis	Horses
Equine Infectious Anaemia	Horses
Foot and Mouth Disease	Cattle/Sheep/Pigs/Goats
Fowl Pest (Fowl Plague and Newcastle Disease)	Poultry
Glanders or Farcy	Horses
Goat Pox	Goats
Hog Cholera	Pigs
Lumpy Skin Disease	Cattle
Peste des Petits Ruminants	Sheep/Goats
Porcine Reproductive and Respiratory Syndrome	Pigs
Rift Valley Fever	Cattle/Sheep
Rinderpest	Cattle
Sheep Pox	Sheep
Sheep Scab or Psoroptic Mange	Sheep
Swine Fever (African and Classical)	Pigs
Swine Vesicular Disease	Pigs
Teschen's Disease	Pigs
Vesicular Stomatitis	Cattle/Horses

PART 2
OTHER NOTIFIABLE ANIMAL DISEASES

Sections 1(1),2,3,4,
9,14,17,18.

<u>Disease</u>	<u>Affected Species</u>
Anthrax	Cattle/Sheep/Pigs/ Goats/Horses
Anaplasmosis	Cattle
Avian Encephalomyelitis (Epidemic Tremor)	Poultry
Avian Infectious Bronchitis	Poultry
Avian Infectious Laryngotracheitis	Poultry
Avian Tuberculosis	Poultry
Babesiosis	Cattle/Horses
Bovine Genital Campylobacteriosis	Cattle
Bovine Malignant Catarrh	Cattle
Bovine Viral Diarrhoea (BVD)	Cattle
Brucella Ovis	Sheep
Brucella Melitensis	Sheep/Goats
Brucella Suis	Pigs
Caprine Arthritis Encephalitis	Goats
Chronic Respiratory disease	Poultry
Contagious Agelactia	Sheep/Goats
Contagious Caprine Pleuropneumonia	Goats
Contagious Equine Metritis	Horses
Cysticercosis	Cattle/Pigs
Dermatophilosis	Cattle
Duck Virus Hepatitis	Poultry
Duck Virus Enteritis	Poultry
Echinococcosis/Hydatidosis	Cattle/Sheep/Pigs/Goats
Enterovirus Encephalomyelitis	Pigs
Enzootic Abortion of Ewes	Sheep
Equine Influenza	Horses
Equine Rhinopneumonitis	Horses
Fowl Cholera	Poultry
Fowl Pox	Poultry
Fowl Typhoid	Poultry
Haemorrhagic Septicaemia	Cattle
Heartwater	Cattle/Sheep/Goats
Horse Mange	Horses

Horse Pox	Horses
Infectious Arteriosis of Horses	Horses
Infectious Bovine Rhinotracheitis (IBR)	Cattle
Infectious Bronchitis	Poultry
Infectious Bursal Disease	Poultry
Infectious Synovitis	Poultry
Intestinal Salmonella Infections	Cattle/Pigs
Japanese Encephalitis	Horses
Johne's Disease	Cattle/Sheep/Goats
Leptospirosis	Cattle/Pigs
Maedi-Visna	Sheep
Marek's Disease	Poultry
Mycoplasmosis	Poultry
Nairobi Sheep Disease	Sheep/Goats
Psittacosis and Ornithosis	Poultry
Pullorum Disease	Poultry
Pulmonary Adenomatosis	Sheep
Q Fever	Cattle/Sheep/Goats
Salmonellosis Abortus Ovis	Sheep
Salmonellosis Abortus Equi	Horses
Scrapie	Sheep
Strangles	Horses
Surra	Horses
Theileriosis	Cattle
Transmissible Gastroenteritis of Pigs	Pigs
Trichinellosis	Pigs
Trichomonosis	Cattle
Trypanosomanosis	Cattle
Venezuelan Equine Encephalomyelitis	Horses
Warble Infestation	Cattle

SCHEDULE 2
COMPENSATION FOR SLAUGHTERED ANIMALS

Sections 5 & 8

1. Subject to paragraph 2 below the compensation payable in respect of any animal slaughtered under and in accordance with this Ordinance is -

Valuation of animals.

(a) in the case of bovine animals 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, £600;

(ii) a heifer aged -

(A) two years or over, and which is less than six months in calf, £400;

(B) two years or over, and which is not in calf, £300;

(C) one and a half years and under two years, £260;

(D) one year and under one and a half years, £200;

(E) six months and under one year, £170;

(F) under six months, £150;

(iii) a bull aged -

(A) two and a half years or over, £600;

(B) two years and under two and a half years, £400;

(C) one and a half years and under two years, £260;

(D) one year and under one and a half years, £200;

(E) six months and under one year, £170;

(F) under six months, £150;

- (b) in the case of oxen, their value as meat;
- (c) in the case of a breeding sow or boar, £150 or its market value immediately before slaughter, whichever is the less;
- (d) in the case of any other swine weighing under 100 pounds, £10 for the first month of age of the swine with an additional £8 for each subsequent month of its age, or its market value immediately before slaughter, whichever is the less;
- (e) in the case of any other swine weighing 100 pounds or over, its value as meat;
- (f) in the case of a goat, £50 or its market value immediately before slaughter, whichever is the less;
- (g) in the case of a horse, £1,000 or its market value immediately before slaughter, whichever is the less;
- (h) in the case of any poultry, £25 or its market value immediately before slaughter, whichever is the less;
- (i) in the case of a sheep, £28 or its market value immediately before slaughter, whichever is less;
- (j) in the case of any other ruminating animal, its value as meat.

**Credit for
carcasses**

2. The amount if any received or credited to the account of the owner of any slaughtered animal in respect of the value of its carcass must be deducted from the amount ascertained in accordance with paragraph 1 in order to produce the compensation payable under this Ordinance.

SCHEDULE 3
RELEVANT BOVINE DISEASES AND TESTING
PROCEDURES

Sections 3(2) & 23

PART 1
RELEVANT BOVINE DISEASES

1. Tuberculosis
2. Brucellosis
3. Enzootic Bovine Leukosis (EBL)
4. Infectious Bovine Rhinotracheitis (IBR)
5. Bovine Viral Diarrhoea (BVD)

PART 2
TESTING PROCEDURES

1. Testing for Tuberculosis is to be carried out in accordance with Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine⁵, Annex B, Points 28 to 33.

Tuberculosis.

2. Testing for Brucellosis is to be carried out in accordance with Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine, Annex C, Annex D, or Annex G Chapter II Point C.

Brucellosis.

3. Testing for Enzootic Bovine Leukosis is to be carried out in accordance with Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine, Annex D, or Annex G Chapter II.

Enzootic Bovine Leukosis (EBL).

4. Testing for Infectious Bovine Rhinotracheitis (IBR) is to be carried out in accordance with Chapter B19 of the Manual of Diagnostic Tests and Vaccines of the Organisation International des Epizooties.

Infectious Bovine Rhinotracheitis (IBR).

⁵ Council Directive 64/432/EEC of 26th June, 1964 (OJ 121, 29.07.64, p.1977) as amended.

**Bovine Viral
Diarrhoea (BVD).**

5. Testing for Bovine Viral Diarrhoea (BVD) is to be carried out in accordance with Chapter B81 of the Manual of Diagnostic Tests and Vaccines of the Organisation International des Epizooties.

SCHEDULE 4
REPEALED ENACTMENTS

Section 35(1)

The Foot and Mouth Disease (Alderney) Ordinance, 1952.

The Fowl Pest (Alderney) Ordinance, 1954.

The Bovine Tuberculosis (Alderney) Ordinance, 1956.

The Brucellosis (Alderney) Ordinance, 1968.

The Foot and Mouth Disease (Amendment) Ordinance, 1991.

The Bovine Spongiform Encephalitis (Alderney) Ordinance,
1993.

The Cattle Diseases (Compensation) (Alderney) Ordinance,
1994.

SCHEDULE 5
TRANSITIONAL PROVISIONS

Section 36

Identification marks.

1. The owner of an animal to which an identification mark has been applied before the 1st October, 2002 must with effect from the date of its application comply with all requirements of this Ordinance applicable to marked animals.
2. An identification mark applied to a bovine or other relevant animal before the 1st October, 2002 under a system then operated by the Committee, and which conforms to section 27(2) and any Order made by the Committee thereunder, is deemed to have been applied under this Ordinance on the 1st October, 2002.

Notification of ownership.

3. A person who owns one or more bovine animals on the 1st October, 2002 must comply with section 28(1) on or before the 1st December, 2002 unless, before the latter date, the Committee has issued a record book to him in respect of each herd owned by him, or is deemed under paragraph 5 of this Schedule to have done so.

Record books.

4. A record book issued in respect of a herd of bovine animals before the 1st October, 2002 under a system then operated by the Committee is deemed to have been issued under this Ordinance on the 1st October 2002.
5. A person to whom such a record book has been issued before the 1st October, 2002 must record in it the details listed in section 29(1), if and to the extent that those details have not been recorded in it prior to the 1st October, 2002, on or before the 15th October, 2002.
6. Any details required by section 29 to be recorded in a record book, and which have been recorded prior to 1st October 2002 in such a book as is mentioned in paragraph 5 of this Schedule, are deemed to have been recorded under this Ordinance.

7. Any testing procedures which comply with Schedule 3 and which were commenced before the 1st October, 2002 under a system then operated by the Committee may be continued under this Ordinance, and are deemed to have been commenced under this Ordinance, on the date when they were in fact commenced, as if this Ordinance had been in force on that date.

Continuation of procedures.

8. Anything in the process of being done as at the 1st October, 2002, and in particular any test conducted, order imposed, direction given, requirement made, or compensation being assessed, under any Ordinance repealed by section 35(1) may be continued under the corresponding provision of this Ordinance.

9. Notwithstanding paragraph 9 of this Schedule, any civil or criminal proceedings in respect of an act done or omitted wholly before the 1st October, 2002 shall be conducted, or continued, as the case may be, as if this Ordinance were not in force.

Continuation of Court proceedings.

D.V. JENKINS
Clerk of the States