

Island of



Guernsey

Ordinance of the States

XXXII
2003

Made 11th December, 2003
Coming into operation 1st January, 2004

The Animal Health (Amendment) Ordinance, 2003

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THE STATES, in pursuance of their resolution of the 28th day of May, 2003^a, hereby order:-

Amendment of the Ordinance of 1996.

1. The Animal Health Ordinance, 1996^b, is amended as set out in the Schedule.

Interpretation.

2. In this Ordinance -

“**the Ordinance of 1996**” means the Animal Health Ordinance 1996;
and

“**the Schedule**” means the Schedule to this Ordinance.

Citation.

3. This Ordinance may be cited as the Animal Health (Amendment) Ordinance, 2003.

Commencement.

4. This Ordinance shall come into force on 1st January 2004.

^a Article VI of Billet d'État No. X of 2003.

^b Ordinance No. XI of 1996.

SCHEDULE

Section 1

Amendment of the Ordinance of 1996

Amendment of provisions as to identification of animals

1. (1) Immediately after section 26(3) of the Ordinance of 1996, insert “PART III – ANIMAL IDENTIFICATION”.

(2) For sections 27, 28, 29 and 30 of the Ordinance of 1996, substitute the following -

“Identification marks.

27. (1) This section shall apply to such animals as the Board may from time to time specify by Order.

(2) The Board may by Order direct in respect of any animal specified under this section that each animal shall be -

- (a) individually marked in accordance with an approved method of identification;
- (b) identified with a unique identification code that may consist of numbers, symbols or letters or any combination of numbers, symbols and letters;
- (c) individually marked and identified within a specified period -
 - (i) following its birth;

- (ii) before leaving the holding of its birth;
- (iii) upon importation into Guernsey; or
- (iv) upon such other event as the Board may determine.

(3) An approved method of identification means a method approved by the Board by Order in respect of any animal specified under this section, and methods of identification may include -

- (a) a tattoo or similar marking;
- (b) an ear or neck tag or similar device;
- (c) an electronic or digital device;
- (d) an animal passport or similar document; or
- (e) any other method or combination of methods.

(4) Any unique identification code assigned to each animal shall appear on or be encoded in the approved method of identification, which -

- (a) will make it possible to identify each animal individually; and
- (b) may identify the holding upon which it was

born or where it is kept.

(5) Where the method of identification includes anything inserted into, attached to or marked onto the animal, it shall be -

- (a) tamper-proof and easy to read for the animal's life time;
- (b) incapable of re-use;
- (c) such as to remain on the animal without interfering with its well-being.

(6) The Board may, by notice to the owner of any animal specified under this section, require that the animal is marked and identified in accordance with an Order made under this section.

(7) Where the owner of any animal specified under this section fails to comply with the requirements made in a notice issued under subsection (6), the Board may authorise a person to carry out the marking and identification on its behalf, and may recover from the owner of the animal any expenses reasonably incurred by it in doing so.

(8) For the purpose of applying an approved method of identification on behalf of the Board under 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 such means of identification to an animal provided that he has first given to the owner of that animal 24 hours' notice in writing of his intention to do so.

- (9) A person must not –
- (a) alter, remove, deface or tamper with any marking or approved method of identification which has been applied to any animal under this section;
 - (b) apply any marking or method of identification otherwise than in accordance with the provisions of an Order made by the Board under this section.

Notification of ownership and maintenance of records.

28. (1) The owner or keeper of any animal specified by Order under section 27(1) shall notify the Board, within such period as the Board may specify, of -

- (a) the acquisition of an animal;
- (b) the birth of an animal;
- (c) the importation of an animal; or
- (d) the loss or destruction of any approved method of identification in relation to an animal.

(2) The Board may require by Order that a person who owns or keeps an animal specified under section 27(1) shall keep and maintain a record book.

(3) Where the Board requires that a record book shall be kept in relation to an animal, it may specify the form in which such a record is to be kept and may issue a record book to the owner or keeper of the animal.

(4) Every record book issued by the Board is the property of the Board and the owner or keeper of the animal to which the record book relates shall ensure that -

- (a) the record book is kept safe at all times and not permit it to be defaced;
- (b) the information required by this section is recorded in it.

(5) A person who is required to keep and maintain a record book under this section shall, within such time as the Board may specify, record in the book in relation to each animal owned or kept by him the following information -

- (a) the name of the owner (and keeper, if different) of the animal and the location of the holding where the animal is kept;
- (b) the unique identification code relating to the animal;
- (c) the sex of the animal;
- (d) the date or approximate date of birth of the

animal;

- (e) if the animal was not born on the holding, the date or approximate date on which it joined the holding;
- (f) each birth to a female animal, including abortions and still births;
- (g) the movement of any animal, either on a temporary or permanent basis, from the holding -
 - (i) to another owner or keeper (in which case the details of that other person shall be recorded);
 - (ii) for slaughter; or
 - (iii) for any other purpose;
- (h) the death of any animal, by any cause other than slaughter;
- (i) any other information which the Board may specify.

(6) The Board may by Order specify that a person required to keep a record book under this section shall -

- (a) send to the Board a copy of any entry made in the record book within such period as may be prescribed by Order;
- (b) in the case of the movement of an animal to a new owner or keeper, provide the new owner or keeper with the record book relevant to the animal;
- (c) notify the Board of the movement of an animal within such period as may be prescribed by Order;
- (d) return a record book issued by the Board in the case of the death of an animal or in the event of its being sent for slaughter;
- (e) make any record books available for inspection upon being requested to do so by an authorised person.

Fees.

29. The Board may by Order prescribe fees which are to be paid in respect of the marking and identification of animals specified under section 27(1) and in respect of the issuing of record books under section 28(3).

Transitional arrangements.

30. The Board may by Order make such consequential, incidental, supplementary and transitional provision as may appear to be

necessary or expedient to give effect to sections 27 to 29.”

Consequential amendments.

2. (1) In the ARRANGEMENT OF SECTIONS in the Ordinance of 1996, immediately after “ 26. Additions to disease free herds”, delete the words from “**Bovine identification and records**” to “PART III”, and substitute the following -

“PART III – ANIMAL IDENTIFICATION

- 27. Identification marks.
- 28. Notification of ownership and maintenance of records.
- 29. Fees.
- 30. Transitional arrangements.

PART IV”.

(2) Immediately before section 31 of the Ordinance of 1996, for “PART III”, substitute “PART IV”.

(3) In section 32(1) of the Ordinance of 1996-

(a) immediately before “**authorised person**”, insert-

“**approved method of identification**” has the meaning given to it by section 27(3)’;

(b) in the definition of “**holding**”, delete “bovine”;

(c) immediately after the definition of “**infected area**”,

insert-

“**keeper**” in relation to an animal means a person who is not the owner of the animal but who has day to day charge of that animal, and related words are to be construed accordingly;’

- (d) delete the definition of “**mark**”;
- (e) for the definition of “**record book**”, substitute “**record book** means a book kept or maintained by virtue of section 28(2)”.

Amendments to Schedule 5.

3. In Schedule 5 of the Ordinance of 1996, delete paragraphs 1 to 7.