

Island of



Alderney

Ordinance of the States

IV
2006

Made 19th April 2006

Coming into force 19th April 2006

THE ANIMAL HEALTH AND PROTECTION OF WILD BIRDS (ALDERNEY) (AMENDMENT) ORDINANCE, 2006

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 19th April 2006, and in exercise of the powers conferred on them by section 46 of the Government of Alderney Law, 2004(a) and sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994(b) and all other powers enabling them in that behalf, hereby order:—

1. (1) The Animal Health (Alderney) Ordinance, 2002(c) is amended as follows.

**Amendment of
the Animal Health
(Alderney)
Ordinance, 2002.**

(2) In section 1(4)(a) (notifiable animal diseases), after the words "any disease from," add "the list of compulsory slaughter diseases in the left hand column of Part 1 of Schedule 1 or".

(3) In section 5 (positive reaction to compulsory slaughter disease tests), at the beginning insert "Subject to section 6A,".

(4) In section 6 (inconclusive reaction to compulsory slaughter disease tests) at the beginning add "Subject to section 6A,".

(5) After section 6 (inconclusive reaction to compulsory slaughter disease tests) insert -

(a) Order in Council No. III of 2005.

(b) Order in Council No. III of 1994.

(c) Ordinance No. XI of 2002 as amended by Alderney S.I. No. 1 of 2006.

"Special provisions in the event of a serious threat to public or animal health.

6A. Where the Committee reasonably considers that there is a serious threat to animal or public health arising from a compulsory slaughter disease then -

- (a) it must as soon as reasonably possible after it has made that decision put a notice in the Alderney Official Gazette to that effect which must -
 - (i) specify the compulsory slaughter disease in question and the reasons why it considers there to be a serious threat, and
 - (ii) set out the special provisions applicable under this section,
- (b) notwithstanding sections 5(a) and (c) and 8, an animal may be slaughtered before it has been valued in accordance with section 8 and Schedule 2 but that valuation must be carried out, on the basis of all reasonably available information, as soon as reasonably possible after its slaughter,
- (c) the Committee may decide to treat an animal which is an inconclusive reactor in respect of a test conducted under section 3, for the compulsory slaughter disease in question, as though it had reacted positively to that test, and
- (d) where the Committee decides to treat an animal as set out in paragraph (c), then -
 - (i) the Committee may decide to carry out one or more of the actions specified in section 5 as though the animal had reacted positively to the test,
 - (ii) it may, for the avoidance of doubt -
 - (A) declare any premises on which that animal is, or has in the last 60 days been present, to be infected premises in accordance with section 9, and

“Action pursuant to 2002 Ordinance.

8A. Nothing in the preceding provisions of this Ordinance shall be construed as rendering unlawful anything done in good faith pursuant to the Animal Health (Alderney) Ordinance, 2002.

Interpretation.

8B. (1) In this Ordinance, unless the context otherwise requires-

“compulsory slaughter disease” shall have the meaning in section 32 of the Animal Health (Alderney) Ordinance, 2002, and

“wild bird” means any bird in a wild state and, except for the purposes of-

(a) section 2(b), and

(b) section 3, insofar as it applies to the taking of birds or the taking, destruction or disturbance of eggs or nests,

includes any bird in a feral state or which reasonably appears to have been abandoned.

(2) The Interpretation (Guernsey) Law, 1948 applies to the interpretation of this Ordinance.”.

Citation.

3. This Ordinance may be cited as the Animal Health and Protection of Wild Birds (Alderney) (Amendment) Ordinance, 2006.

Commencement.

4. (This Ordinance shall come into force on the 19th April, 2006.

S.E. KELLY
Greffier

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