

~~2001-2002, 1978.~~

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Ordinance of the Chief Pleas

entitled

The Foot and Mouth and other Animal Diseases (Amendment) (Sark) Ordinance, 1978

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred upon them by subsection (1) of section eight of the Reform (Sark) Law, 1951(a), and of all other powers enabling them in that behalf, hereby order:-

Amendment to Ordinance of 1952.

1. The Foot and Mouth Disease Ordinance, 1952, as amended, (hereinafter referred to as "the principal Ordinance") is hereby further amended as follows:-

(a) in section one thereof -

(i) the definition of the expression "Committee" is repealed and the following definition is substituted therefor -

" "the Committee" means the Sark Agricultural Committee;"

(ii) immediately after the definition of the expression "the Committee" there is inserted the following additional definition -

" "the Court" means the Court of the Seneschal;"

(b) section one thereof is renumbered as section "1.(1)" and immediately thereafter there are inserted the following additional subsections numbered "(2)" and "(3)" -

" (2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as it applies to the

interpretation of a Guernsey enactment.

(3) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.";

(c) in paragraph (a) of subsection (1) of section six thereof immediately after the word "Committee" there are inserted the following additional words -

"and to such conditions as the Committee may from time to time attach thereto";

(d) immediately after subsection (3) of section six thereof there are inserted the following additional subsections numbered "(4)" and "(5)" -

" (4) Upon the revocation of an order made under subsection (1) of this section, the Committee may, subject to the provisions of the next succeeding subsection, by order from time to time declare that in respect of the Island of Sark or any part thereof -

(a) the taking of an animal to another animal for breeding is prohibited, and

(b) the delivery in connection with the transfer by sale or otherwise of an animal is prohibited except under the authority of a permit issued by, and under such conditions as may be imposed

by, the Committee.

(5) Nothing in the last preceding subsection shall apply to -

- (a) the taking of an animal to another animal for breeding when both animals are on the same farm;
- (b) the taking of a cow or heifer to a bull or the taking of a sheep, goat or other ruminating animal, or swine to another animal of that species for breeding under the authority of a permit issued by, and under such conditions as may be imposed by, the Committee.";

(e) subsection (2) of section ten thereof is repealed and the following subsection is substituted therefor -

" (2) The compensation payable, in respect of any animal slaughtered under and in accordance with the provisions of this Ordinance, shall 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      £300

- (ii) a heifer aged -  
two years and over and  
which is less than six  
months in calf      ...      £200  
two years and over and  
which is not in calf      ...      £150

one and a half years  
 and under two years ... £130  
 one year and under one  
 and a half years ... £100  
 six months and under  
 one year ... .. £85  
 under six months ... .. £75

(iii) a bull aged -  
 two and a half years  
 and over ... .. £300  
 two years and under two  
 and a half years ... .. £200  
 one and a half years  
 and under two years ... £130  
 one year and under one  
 and a half years ... .. £100  
 six months and under  
 one year ... .. £85  
 under six months ... .. £75:

Provided that the compensation in the  
 case of a bull whose slaughter is  
 considered by the Committee (from whose  
 decision an appeal shall lie to the  
 Court) to be necessary as the result  
 of that bull being or having been kept  
 at a breeding centre shall be its  
 market value immediately before  
 slaughter; and for the purposes of  
 this proviso the expression "breeding  
 centre" means -

(a) a place at which a bull is  
 kept for the purpose of taking

to it a cow or a heifer for breeding in accordance with the provisions of subsection (5) of section six of this Ordinance; and

- (b) a place at which a bull is kept for the purpose of collecting from it semen for artificially inseminating bovine animals under the control and direction of the Committee;
- (b) in the case of a sheep, fourteen pounds or its market value immediately before slaughter, whichever is the less;
- (c) in the case of a goat, twenty-five pounds or its market value immediately before slaughter, whichever is the less;
- (d) in the case of any other ruminating animal, its value as meat;
- (e) in the case of a breeding sow or boar, seventy-five pounds or its market value immediately before slaughter, whichever is the less;
- (f) in the case of any other swine weighing under one hundred pounds, five pounds for the first month of age of the swine with an additional four pounds for each subsequent month of age thereof or its market value immediately before slaughter, whichever is the less;
- (g) in the case of any other swine weigh-

ing one hundred pounds or over, its value as meat.";

- (f) immediately after subsection (4) of section ten thereof there are inserted the following additional subsections numbered "(5)" and "(6)" -

" (5) In assessing the value of an animal in accordance with the provisions of this section no account shall be taken of the fact that, at that time, the animal is, or is suspected of being affected with Foot and Mouth Disease.

(6) Notwithstanding the provisions of subsections two and five of this section no compensation shall be payable under this section if it is found by the Committee (from whose decision an appeal shall lie to the Court) that the owner of the slaughtered animal is, by reason of his negligence or default, responsible for his animal becoming affected with Foot and Mouth Disease. ";

- (g) the Schedule thereto is repealed and there is inserted the Schedule set out in the Schedule to this Ordinance;

- (h) immediately after section thirteen thereof there is inserted the following additional section numbered "14" -

" Applica-                    14. The provisions of  
tion to                    this Ordinance shall apply  
other                    to the diseases specified in  
diseases.                    the Schedule to this Ordinance  
as they apply to Foot and  
Mouth Disease and such

provisions shall have effect as if references therein to Foot and Mouth Disease included references to those diseases. "

(i) section fourteen thereof is renumbered as section "15".

Compensation in respect of animal slaughtered before the coming into force of this Ordinance.

2. In the case of an animal slaughtered under the provisions of the principal Ordinance before the coming into force of this Ordinance and in respect of which compensation in accordance with the provisions of that Ordinance has not been paid at the date of the coming into force of this Ordinance, compensation shall be payable in respect of that animal as if this Ordinance had not been passed.

Construction.

3. This Ordinance shall be construed as one with the principal Ordinance.

Citation.

4. This Ordinance may be cited as the Foot and Mouth and other Animal Diseases (Amendment) (Sark) Ordinance, 1978.

Collective title.

5. This Ordinance and the Foot and Mouth Disease (Sark) Ordinances, 1952 and 1971, may be cited together as the Animal Diseases (Sark) Ordinances, 1952 to 1978.

Commencement.

6. This Ordinance shall come into force on the *fourth* day of *October*, nineteen hundred and seventy-eight.

SCHEDULE

Section one (g)

" SECOND SCHEDULE

Section fourteen

Additional diseases to which the provisions of this Ordinance apply

Cattle Plague.

Enzootic Bovine Leukosis.

Pleuro-Pneumonia.

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