

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Poultry Carcasses Importation Ordinance, 1981 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XXII, p. 109; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 17); the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001 (No. XX of 2001, Recueil d'Ordonnances Tome XXVIII, p. 433); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance has been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 (No. XXI of 2016).

ORDINANCE

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The Poultry Carcasses Importation Ordinance, 1981

ARRANGEMENT OF SECTIONS

1. Prohibition on the importation of poultry carcasses without licence.
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(Made on 1st October, 1981.)

The Poultry Carcasses Importation Ordinance, 1981

THE STATES, on the representations of the States Committee for Agriculture, hereby order: –

Prohibition on the importation of poultry carcasses without licence.

1. (1) Subject to the succeeding provisions of this Ordinance, a person shall not import or attempt to import into this Island any poultry carcase, otherwise than in accordance with a licence granted by [the Committee] in that behalf.

(2) A person desirous of obtaining a licence for the purposes of the last preceding subsection shall make application in that behalf to [the Committee] and upon receipt of such an application [the Committee] may either –

(a) grant the licence, or

(b) refuse to grant the licence, or

(c) grant the licence subject to such conditions as [the Committee] may think it necessary or expedient to impose for the purpose of preventing the introduction or spreading of disease into or within this Island.

(3) [The Committee] may, from time to time, revoke or vary any conditions attached to any licence granted in pursuance of the provisions of the last preceding subsection or may revoke any such licence.

NOTE

In section 1, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Exemption.

2. Nothing in the last preceding section shall be taken to prohibit the importation into this Island of any poultry carcase which has been fully cooked.

Power of [the Committee] to prohibit the importation of poultry carcasses.

3. (1) Notwithstanding the provisions of section one of this Ordinance, [the Committee] may, from time to time, by order prohibit the importation into this Island of any poultry carcase originating from, or imported into this Island from, any country as may be specified in such order.

(2) Any power conferred by the last preceding subsection to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

(3) Every order made under this section shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by [the Committee] of any new order.

NOTE

In section 3, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Powers of [the Committee] to order destruction, etc., of poultry carcasses imported in contravention of this Ordinance.

4. If any poultry carcass is imported into this Island in contravention of the provisions of section one of this Ordinance or of the conditions of any licence granted thereunder or of the provisions of any order made under section three of this Ordinance, [the Committee] may, without prejudice to any proceedings under this Ordinance consequent upon such contravention, order that it be examined by the States Veterinary Officer and thereafter –

- (a) that it be forthwith delivered to the importer, or
- (b) that it be forthwith returned to the sender, or
- (c) that it be treated in such manner as [the Committee] may direct and thereafter that either of the courses indicated in paragraphs (a) or (b) of this subsection be adopted, or
- (d) that it be destroyed,

and the cost of taking such action shall be recoverable by the States from the importer of the poultry carcass concerned as a civil debt.

NOTE

In section 4, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Action of [the Committee] where poultry carcass imported in accordance with a licence constitutes danger to poultry industry.

5. [The Committee] may, in respect of any poultry carcase imported into this Island in accordance with any licence granted under section one of this Ordinance which, in the opinion of the States Veterinary Officer, constitutes an immediate danger to the poultry industry of this Island, order –

- (a) that it be destroyed, or
- (b) that it be treated in such manner as [the Committee] may direct and thereafter delivered to the importer,

and the cost of taking such action shall be recoverable by the States from the person to whom the aforesaid licence was granted as a civil debt.

NOTE

In section 5, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Destruction and treatment by the States Veterinary Officer.

6. Any destruction or treatment, as the case may be, ordered under the provisions of sections four or five of this Ordinance shall be carried out by or in the presence of the States Veterinary Officer at such place as shall be specified by him and to his satisfaction and, except with his written authority, any poultry carcase to which any such order relates shall not be removed otherwise than to such place.

Offences.

7. If any person does any act in contravention of any of the provisions of this Ordinance or of the conditions of any licence granted thereunder or of any of the provisions of any order made thereunder or wilfully obstructs the States Veterinary Officer in the exercise of any of his powers under any of the provisions of this

Ordinance, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 4 on the uniform scale] and the Court may, in addition, order the seizure, destruction or other disposal of the poultry carcass to which the conviction relates at the expense of the convicted person.

NOTE

In section 7, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Offences by bodies corporate.

8. Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Interpretation.

9. In this Ordinance except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**[the Committee]**" means the States [Committee for the Environment & Infrastructure],

"**fully cooked**" in relation to any poultry carcass, means cooked throughout the whole of its substance so as to render it unnecessary for it to be further cooked before being used for human consumption,

"importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any way entitled to the custody or control of the poultry carcase imported,

"poultry" means domestic fowls, turkeys, geese, ducks, guinea fowls, pheasants and partridges,

"poultry carcase" means the carcase of any poultry and includes part of a carcase,

"the States Veterinary Officer" includes any person nominated by [the Committee] to carry out any powers vested in the States Veterinary Officer under any of the provisions of this Ordinance,

"this Island" means the Island of Guernsey and includes the Islands of Herm and Jethou.

NOTES

In section 9, the words, first, "the Committee" and, second, "Committee for the Environment & Infrastructure" in square brackets in the definition of the expression "the Committee" in subsection (1), and, third, the words "the Committee" in square brackets wherever else occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 5, section 2, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2 and section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Repeals.

10. The Poultry Carcasses Importation Ordinance, 1951^a, the Poultry Carcasses Importation (Amendment) Ordinance, 1953^b, the Poultry Carcasses Importation (Amendment) Ordinance, 1981^c and the Poultry Carcasses Importation (Amendment) (No. 2) Ordinance, 1981^d, are hereby repealed.

Citation.

11. This Ordinance may be cited as the Poultry Carcasses Importation Ordinance, 1981.

Commencement.

12. This Ordinance shall come into force on the first day of January, nineteen hundred and eighty-two.

¹ The words "Committee for the Environment & Infrastructure" were previously substituted by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 3, Schedule 2, paragraph 10, with effect from 21st January, 2002; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 200

² The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Agriculture and Countryside Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 2, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the States Agriculture and Countryside Board and its President were previously transferred to it and its President from, respectively, the States Agricultural and Milk Marketing Board and its President by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 1, Schedule 1, paragraph 10, with effect from 21st January, 2002; and the

^a Recueil d'Ordonnances Tome X, p. 167.

^b Recueil d'Ordonnances Tome X, p. 374.

^c Ordinance No. IV of 1981.

^d Ordinance No. XVII of 1981.

functions, rights and liabilities of the States Agricultural and Milk Marketing Board and of its President under this Ordinance were previously transferred to it and its President from, respectively, the States Committee for Agriculture and the President thereof by the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987, section 1, Schedule, with effect from 1st March, 1987.

REPEALED