

ORDER IN COUNCIL

XIII

1975

ratifying a *Projet de Loi*

ENTITLED

The Rabies (Bailiwick of Guernsey) Law, 1975

(Registered on the Records of the Island of Guernsey
on the 19th day of January, 1976.)



1976

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of January, 1976, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of December, 1975, ratifying a *Projet de Loi* entitled "The Rabies (Bailiwick of Guernsey) Law, 1975", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 19th day of December 1975

PRESENT,

**The Queen's Most Excellent Majesty
in Council**

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 15th day of December 1975, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 4th day of June 1975, the States of Deliberation at a meeting held on the 24th day of September 1975, approved a Bill or “Projet de Loi” entitled “The Rabies (Bailiwick of Guernsey) Law, 1975”, which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 1st day of October 1975, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the said 1st day of October 1975, considered the said Bill or “Projet de Loi” when a Resolution was

passed agreeing to the application of the same to Sark. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Rabies (Bailiwick of Guernsey) Law, 1975", and to order that the same shall have force of law in the Bailiwick of Guernsey.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh.

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

The Rabies (Bailiwick of Guernsey) Law, 1975

ARRANGEMENT OF SECTIONS

1. General powers of the Committee.
2. Infected areas—destruction of wild animals.
3. Infected areas—additional powers.
4. Orders to be laid before the States.
5. Compensation.
6. Offences.
7. Interpretation.
8. Repeals.
9. Citation and commencement.

SCHEDULE Enactments repealed.

PROJET DE LOI

ENTITLED

The Rabies (Bailiwick of Guernsey) Law, 1975

THE STATES, in pursuance of their Resolution of the fourth day of June, nineteen hundred and seventy-five, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. (1) Subject to the provisions of this Law and of any Ordinance made thereunder, the Committee may, from time to time, by order make such provision as it may deem necessary or expedient for preventing or limiting infection with rabies.

General powers of the Committee.

(2) Without prejudice to the generality of the foregoing subsection, the Committee may, from time to time by order, in particular, provide for all or any of the following matters:—

- (a) prohibiting or regulating the import or export of animals;
- (b) the granting of licences for the import or export of animals and the imposition of conditions upon such licences;
- (c) the prescribing of ports and airports at which alone animals may be imported or exported;
- (d) prohibiting or regulating the transhipment of animals or the movement of animals between Islands of the Bailiwick;
- (e) for requiring animals which may be carriers of rabies to be kept in quarantine in such

cases, for such periods and under such conditions as may be prescribed by the order;

- (f) seizing, detaining in quarantine, exporting, destroying or otherwise disposing of any animal in respect of which there is reason to believe that a breach of any order or condition relating to import or quarantine has been committed;
- (g) collecting the expenses of keeping an animal in quarantine and the disposal or destruction of an animal if such expenses are not paid by, or on behalf of, the owner;
- (h) prescribing the cases in which places and areas are to be declared to be infected with rabies and the authority, mode and conditions by, in and on which declarations in that behalf are to be made, and the effect and consequences thereof, the duration and discontinuance thereof, and other matters connected therewith;
- (i) the publication by placards, handbills, or otherwise, in the immediate neighbourhood of an infected place or area of the fact that such place or area has been declared to be infected with rabies;
- (j) prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area or any Island of the Bailiwick in which there is an infected place or area;
- (k) prescribing and regulating the isolation or separation of animals being in an infected place or area;
- (l) prohibiting or regulating the destruction, burial, disposal or treatment of carcasses,

- food, bedding, litter, utensils, or other things being in an infected place or area, or removed thereout;
- (m) prescribing and regulating the cleansing and disinfection of infected places and areas or parts thereof;
 - (n) prescribing methods of confinement and control of animals in an Island where infection with rabies has occurred or is suspected;
 - (o) the isolation, destruction or detention under observation of animals affected or suspected of being affected with rabies;
 - (p) entry upon land, ships and aircraft;
 - (q) the vaccination, inoculation, inspection, treatment or pathological testing of an animal by a veterinary surgeon;
 - (r) prohibiting or regulating the keeping and importation of rabies virus in any form and the deliberate introduction of the virus into animals;
 - (s) the notification of the fact that an animal is affected or suspected of being affected with rabies;
 - (t) any matter ancillary to those set out in the foregoing paragraphs of this subsection.

2. (1) The Committee may by order provide for the destruction in an infected area, by persons authorised in accordance with the order, of such wild animals as may be prescribed by the order (not being animals held in captivity).

Infected areas—
destruction
of wild
animals.

(2) An order made by virtue of subsection (1) of this section may make provision for—

- (a) authorising any person to enter any land (other than a dwelling-house) for the purpose of carrying out, or of deciding whether to carry out, the destruction there of animals in accordance with the order;
- (b) authorising the erection of fences or other obstacles to restrict the movement of animals into and out of an area where destruction is carried out;
- (c) regulating the ownership and disposal of the carcases of animals destroyed in accordance with the order;
- (d) prohibiting any person from obstructing the destruction of animals in accordance with the order and from interfering with the carcases of animals destroyed;
- (e) authorising the use of methods of destruction which would otherwise be unlawful.

(3) An order made by virtue of subsection (1) of this section shall include provision as to the steps to be taken to inform the occupier of any land where it is proposed that animals should be destroyed, and other persons who may be there, of the proposal and of the methods of destruction to be used.

Infected
areas—
additional
powers.

3. (1) The Committee may, in relation to an infected area, by order make provision for all or any of the following matters—

- (a) requiring notice to be given, in such circumstances as may be prescribed by the order, of the death in the infected area of such domestic or wild animals as may be prescribed;
- (b) regulating the ownership and disposal of the carcases of animals whose deaths are

required to be notified by virtue of paragraph (a) of this subsection;

- (c) requiring and regulating the vaccination, confinement and control in such an area of such domestic animals and animals held in captivity as may be prescribed by the order;
- (d) authorising the seizure and detention and the disposal or destruction of any animal in respect of which any provision made by virtue of paragraph (c) of this subsection is not complied with;
- (e) authorising any person to enter any land for the purpose of seizing or destroying any animal in pursuance of the order.

(2) Any such order may provide for the division of an area into zones (whether defined by reference to distance from the places within the area where diseased animals have been found or otherwise) and for the consequences which may follow a declaration to be different for different zones.

4. Any order made by the Committee under the provisions of this Law shall be laid before a meeting of the States of Guernsey or the States of Alderney, as the case may require, as soon as may be after the making thereof and if, at that meeting or 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 a new order.

Orders to be
laid before
the States.

5. (1) The States of an Island may by Ordinance prescribe the amount of compensation, if any, which shall be payable to the owner of an animal destroyed in accordance with the provisions of an order made under this Law.

Compensa-
tion.

(2) In this section the expression "the States of an Island" means—

- (a) in relation to the Island of Guernsey, the States of Guernsey;
- (b) in relation to the Island of Alderney, the States of Alderney;
- (c) in relation to the Island of Sark, the Chief Pleas of Sark.

Offences.

6. A person who contravenes, or attempts to contravene or fails to comply with any of the provisions of an order made under this Law or any direction given or requirement imposed under or by virtue of such an order shall be guilty of an offence under this Law and shall on conviction be liable to imprisonment for a term not exceeding twelve months or to a fine or to both.

Interpretation.

7. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"animal" means any mammal, other than man;

"the Committee" means—

- (a) in relation to the Islands of Guernsey, Sark, Herm and Jethou, the States of Guernsey Committee for Agriculture or such other Committee as the States of Guernsey may, from time to time, by Ordinance prescribe;
- (b) in relation to the Island of Alderney, such Committee as the States of Alderney may, from time to time, by Ordinance prescribe;

“export” means to send or cause to be sent from a place in the Bailiwick to a place outside the Bailiwick;

“import” means to bring or cause to be brought to any place in the Bailiwick from a place outside the Bailiwick;

“infected place” and “infected area” mean respectively a place or an area declared to be infected with rabies in accordance with the provisions of an order made under section one of this Law.

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

(3) The Interpretation (Guernsey) Law, 1948(a), shall apply to the interpretation of this Law throughout the Bailiwick.

8. The enactments set out in the Schedule to this Law are hereby repealed. Repeals.

9. (1) This Law may be cited as the Rabies (Bailiwick of Guernsey) Law, 1975. Citation and commencement.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States of Guernsey.

(a) Ordres en Conseil Vol. XIII, p. 355.

ENACTMENTS REPEALED

1. The Law entitled "Loi portant règlement sur l'introduction dans les Iles de ce Bailliage de chiens venant de l'étranger", registered on the eleventh day of June, eighteen hundred and ninety-eight (*b*).
2. The Law entitled "Loi sur l'introduction dans le Bailliage d'animaux de la race canine" registered on the twenty-ninth day of December, nineteen hundred and nine (*c*).
3. The Law entitled "Loi supplémentaire à la loi portant règlement sur l'introduction dans les Iles de ce Bailliage de chiens venant de l'étranger" registered on the fourteenth day of December, nineteen hundred and eighteen (*d*).

R. H. VIDELO,

Her Majesty's Greffier.

(*b*) Ordres en Conseil Vol. III, p. 103.

(*c*) Ordres en Conseil Vol. IV, p. 296.

(*d*) Ordres en Conseil Vol. VI, p. 32.