

Island of  Guernsey

Ordinance of the States **X**

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**The Veterinary Surgery and Animal
Welfare Ordinance, 1987**

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The Veterinary Surgery and Animal Welfare Ordinance, 1987

THE STATES, in pursuance of their Resolution of the 28th day of January, 1987, hereby order:—

PART I—PROHIBITED OPERATIONS

1. Subject to section 2, no person shall carry out or cause or permit to be carried out any of the following operations— Prohibited operations.

- (a) freeze dagging of sheep;
- (b) short-tail docking of sheep, unless sufficient tail is retained to cover the vulva in the case of female sheep and the anus in the case of male sheep;
- (c) tongue amputation in calves;
- (d) hot branding of cattle;
- (e) tail docking of cattle;
- (f) devoicing of cockerels;
- (g) castration of a male bird by a method involving surgery;
- (h) in relation to any animal, amputation of the penis or other penial operations;
- (i) any operation on a bird with the object or effect of impeding its flight, other than feather clipping;
- (j) fitting any appliance which has the object or effect of limiting vision to a bird by a method involving the penetration or other mutilation of the nasal septum;

- (k) tail docking of a pig unless the operation is carried out by the quick and complete severance of the part of the tail to be removed and either:—
 - (i) the pig is less than 8 days old, or
 - (ii) the operation is carried out by a recognised veterinary surgeon who is of the opinion that the operation is necessary for reasons of health or to prevent injury from the vice of tail biting;
- (l) removal of any part of the antlers of a deer before the velvet of the antlers is frayed and the greater part of it has been shed;
- (m) removal of any bone or part of a bone from the tail of an equine animal, or severance of any tendon or muscle in the tail of an equine animal, and in this paragraph the expression “equine animal” includes a stallion, gelding, colt, mare, filly, pony, mule and hinny.

Exception
for emer-
gencies and
veterinary
treatment.

2. Section 1 does not prohibit—

- (a) the rendering, in emergency, of first aid for the purpose of saving life or relieving pain;

or
- (b) the carrying out by a recognised veterinary surgeon of an operation where in his opinion—
 - (i) disease or injury is present, and
 - (ii) the proper treatment for the disease or injury is, or includes, the operation.

PART II—USE OF ANAESTHETICS

3. Subject to section 4, no person shall, without the use of an anaesthetic, carry out any operation on an animal which involves interference with the sensitive tissues or the bone structure of the animal.

Require-
ment to use
anaesthetics.

4. Section 3 does not prohibit, without the use of an anaesthetic—

Operations
which may
be carried
out without
anaesthetics.

- (a) the making of injections or extractions by means of a hollow needle;
- (b) the rendering, in emergency, of first aid for the purpose of saving life or relieving pain;
- (c) the docking of the tail of a dog before its eyes are open;
- (d) the amputation of the dew claws of a dog before its eyes are open;
- (e) the castration of a bull, sheep, goat or pig by using a rubber ring or other device to constrict the flow of blood to the scrotum if the device is applied within the first week of life;
- (f) the castration by any other means of a bull, sheep, goat or pig before it has reached the age of 2 months;
- (g) subject to section 5, any minor operation carried out by a recognised veterinary surgeon which, by reason of its quickness or painlessness, is customarily performed without the use of an anaesthetic;
- (h) subject to section 5, any minor operation which is not customarily carried out only by a recognised veterinary surgeon.

Operations
excluded
from section
4.

5. Paragraphs (g) and (h) of section 4 do not permit, without the use of an anaesthetic—

- (a) the castration of a male animal (but without prejudice to paragraphs (e) and (f) of section 4);
- (b) the dehorning of cattle;
- (c) the disbudding of calves, except by means of chemical cauterization applied within the first week of life; or
- (d) the docking of lambs' tails by using a rubber ring or other device to constrict the flow of blood to the tail unless the device is applied within the first week of life.

Meaning of
"use of an
anaesthetic".

6. In this Part of this Ordinance, references to the use of an anaesthetic are references to the use of an anaesthetic so administered as to prevent any pain during the operation.

PART III—RESTRICTIONS ON PRACTICE OF VETERINARY SURGERY

Practice of
veterinary
surgery.

7. No person shall—

- (a) subject to section 16, practise, or hold himself out as practising or as being prepared to practise, veterinary surgery;
- (b) take or use the title of veterinary surgeon or veterinary practitioner, or any name, title, addition or description implying that he is a veterinary surgeon or is a practitioner of, or is qualified to practise, veterinary surgery,

unless he is a recognised veterinary surgeon.

8. (1) A recognised veterinary surgeon is a person who is registered—

Meaning of
“recognised
veterinary
surgeon”.

- (a) in either of the professional registers, and
- (b) in the Register of Veterinary Surgeons established under section 9.

(2) A person who ceases to be registered as mentioned in paragraph (a) or (b) of subsection (1) ceases to be a recognised veterinary surgeon.

9. The Board shall establish and maintain a register to be called “The Register of Veterinary Surgeons” containing the names of persons who, under sections 10(2) and 13, are required to be registered therein.

The Register.

10. (1) A person wishing to be registered in the Register of Veterinary Surgeons shall apply in that behalf to the Board in such manner as the Board may require.

Entries in
the Register.

(2) If the Board is satisfied that an applicant under subsection (1) is registered in either of the professional registers, it shall register him in the Register of Veterinary Surgeons by entering his name therein.

11. On an application under section 10(1) the Board—

Information
in support of
applications.

- (a) may require the applicant to furnish such information, evidence or documentation as it considers necessary to enable it to determine whether or not the applicant is registered in either of the professional registers;

- (b) may refuse to entertain the application if the applicant refuses or fails to furnish any such information, evidence or documentation.

Cancellation
of registra-
tions.

12. The Board shall cancel the registration in the Register of Veterinary Surgeons of any person—

- (a) who to its knowledge ceases to be registered in either of the professional registers;
- (b) who submits a written request to the Board to cancel his registration.

Saving for
current
practitioners.

13. On the date of the commencement of this Ordinance the Board shall register in the Register of Veterinary Surgeons any person who, immediately before that date, was practising veterinary surgery by virtue of an authorisation of the Royal Court under the 1951 Ordinance.

Inspection of
registered
names.

14. (1) The Board shall inform Her Majesty's Greffier of—

- (a) the name of any person registered in the Register of Veterinary Surgeons;
- (b) any cancellation of a registration.

(2) The information provided under subsection (1) shall be available at the Greffe for public inspection free of charge whenever the Greffe is required by law to be open.

Use of
veterinary
qualifica-
tions.

15. No person shall use, in connection with any business carried on by him or at any premises at which a business is carried on by him, a description implying that he or any person acting for the purposes of the business possesses veterinary qualifications which he does not possess.

16. Section 7(a) does not prohibit the carrying out of any of the following treatments and operations, unless it is excluded by section 17—

Operations which may be carried out by unqualified persons.

- (a) any minor medical treatment given to an animal by the owner thereof, by another member of the household of which the owner is a member, or by a person in the employment of the owner or of any other member of such a household;
- (b) any minor surgical treatment, or minor medicinal treatment, carried out otherwise than for reward on an animal used in agriculture by the owner of the animal or by a person engaged or employed in caring for animals so used;
- (c) the rendering, in emergency, of first aid for the purpose of saving life or relieving pain;
- (d) the carrying out by a person over the age of 18 of any of the following—
 - (i) castration of a male animal, whether by chemical means or otherwise;
 - (ii) caaponising by chemical means;
 - (iii) the tailing of a lamb;
 - (iv) the docking of the tail of a dog before its eyes are open;
 - (v) the amputation of the dew claws of a dog before its eyes are open;
 - (vi) the treatment by physiotherapy of an animal by a person acting under the direction of a recognised veterinary surgeon who has examined the animal and has prescribed the treatment by physiotherapy;

- (vii) the removal from a fowl by means of a suitable instrument of not more than a one-third part of both its upper and lower beaks measured from the tip towards the entrances to the nostrils if carried out as a single operation;
 - (viii) the removal from a fowl by means of a suitable instrument of not more than a one-third part of its upper beak only, measured as mentioned in sub-paragraph (vii) of this paragraph, and the arrest of any subsequent haemorrhage from the beak by cauterization;
 - (ix) the desnooding of a turkey, either by manual pinching out or by means of a suitable instrument;
 - (x) the removal from any poultry of the comb or of the dependent portion of the wattles, carried out in either case by means of a suitable instrument; and
 - (xi) the vaccination of poultry;
- (e) the taking of blood, for use in diagnosis for the control or eradication of infectious disease—
- (i) from any animal, by a person who is acting under the general direction of a recognised veterinary surgeon and who is, in the opinion of the recognised veterinary surgeon, competent to take the blood; or
 - (ii) from animals other than poultry, by a person who is undergoing instruction in the taking of blood from animals and who is acting under the direct personal supervision of a recognised veterinary surgeon;

- (f) the carrying out by a person authorised to practise as a medical practitioner by the Royal Court under the provisions of the 1951 Ordinance of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings;
- (g) the carrying out on an animal of any treatment, test or operation by a person mentioned in paragraph (f) or by a person authorised to practise as a dentist by the Royal Court under the provisions of the 1951 Ordinance at the request of a recognised veterinary surgeon.

17. The following treatments and operations are excluded from section 16—

Operations
excluded
from section
16.

- (a) the castration of—
 - (i) a horse, pony, ass or mule;
 - (ii) a bull, sheep, goat or pig which has reached the age of 2 months; or
 - (iii) a cat or dog;
- (b) the desnooding of a turkey which has reached the age of 21 days;
- (c) the removal of the combs of any poultry which have reached the age of 72 hours;
- (d) the cutting of the toes of any poultry which have reached the age of 72 hours;
- (e) the performance of a vasectomy or the carrying out of electro-ejaculation on any animal;
- (f) the removal of the supernumerary teats of a calf which has reached the age of 3 months;

- (g) the dehorning or disbudding of a sheep or goat, except the trimming of the insensitive tip of an ingrowing horn which, if left untreated, could cause pain or distress.

PART IV—WELFARE CODES

Codes of
recom-
mendations
for welfare
of animals.

18. The Board may—

- (a) prepare codes containing such recommendations with respect to the welfare of livestock as it considers proper for the guidance of persons concerned with livestock, and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as it thinks fit.

Codes to be
laid before
States.

19. A code prepared by the Board under section 18(a) and any revision of such a code under section 18(b)—

- (a) shall be laid before the States as soon as possible after being prepared;
- (b) shall come into force on such date as the Board may determine, not being earlier than the date on which the States resolve to approve it;
- (c) shall be caused by the Board to be printed and put on sale, at such price as the Board may determine, or distributed, as soon as possible after being approved.

Liability for
breach of
code.

20. A failure on the part of any person to observe a provision of a code in force under section 19(b) does not of itself render him liable to any proceedings, but the failure to observe the provision may,

in proceedings against him for an offence of cruelty under section 1 of the Protection of Animals Ordinance, 1976(a), be relied upon by the prosecution as tending to establish his guilt of that offence, unless it can be shown that he cannot reasonably be expected to have observed the provision in question within the period which has elapsed since it came into force.

PART V—GENERAL PROVISIONS

21. (1) A person who contravenes or fails to comply with any provision of this Ordinance is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding £500;

(b) on conviction on indictment—

(i) in the case of an offence under section 7(b) or 15, to a fine not exceeding £2,000;

(ii) in the case of an offence under any other provision of this Ordinance, to imprisonment for a term not exceeding 6 months, to a fine not exceeding £2,000, or to both.

(2) A person who, in support of an application under section 10(1), furnishes any information, evidence or documentation which is false in any material particular is guilty of an offence and liable, on summary conviction, to a fine not exceeding £500, unless he shows to the court's satisfaction that he did not know of the falsity and could not, with reasonable diligence, have learnt of it.

(a) Recueil d'Ordonnances Tome XX, p. 369; and No. XXVIII of 1986.

Interpreta-
tion.

22. In this Ordinance, unless the context otherwise requires—

- (a) “animals” includes reptiles and birds;
- “the Board” means the States Agricultural and Milk Marketing Board;
- “livestock” means any creature kept for the production of food, wool, skin or fur or for use in the farming of land;
- “the 1951 Ordinance” means the Doctors, Dentists and Veterinary Surgeons (Authorisation) Ordinance, 1951(b);
- “the professional registers” means the register of veterinary surgeons kept under section 2 of the Veterinary Surgeons Act 1966 and the supplementary veterinary register kept under section 8 of that Act;
- “recognised veterinary surgeon” has the meaning given by section 8;
- “the Register of Veterinary Surgeons” means the register established under section 9;
- “veterinary surgery” means the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, includes—
- (i) the diagnosis of diseases in and injuries to animals, including tests carried out on animals for diagnostic purposes;

- (ii) the giving of advice based upon such diagnosis;
 - (iii) the medical or surgical treatment of animals; and
 - (iv) the carrying out of surgical operations on animals;
- (b) any reference to an Act of Parliament is a reference to that Act as amended, extended or re-enacted;
- (c) any reference to a section bearing a number is a reference to the section of this Ordinance bearing that number; and
- (d) any reference in any provision to a subsection or paragraph bearing a number or letter is a reference to the subsection or paragraph of that provision bearing that number or letter.

23. In the 1951 Ordinance—

Amendment
to 1951
Ordinance.

- (a) in the title, repeal “Veterinary Surgeons”;
- (b) in sections 1 and 2(1), repeal “or veterinary surgeon”.

24. Any reference in any enactment, however expressed, to a person authorised to practise as a veterinary surgeon in Guernsey, whether reference is made to the 1951 Ordinance or not, shall be construed as a reference to a person who is a recognised veterinary surgeon within the meaning of section 8.

References
to authorised
persons.

25. This Ordinance has effect in the Islands of Guernsey, Herm and Jethou.

Extent.

26. This Ordinance may be cited as the Veterinary Surgery and Animal Welfare Ordinance, 1987.

Citation.

K. H. TOUGH,

Her Majesty's Greffier.