

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

The Avian Influenza and Control of Birds (Sark) Ordinance, 2006 *

[CONSOLIDATED TEXT]

NOTE

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* Sark Ordinance No. 147; as amended by the Avian Influenza and Control of Birds (Sark) (Amendment) Ordinance, 2010 (Sark Ordinance No. 182); the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015 (Sark Ordinance No. II of 2015); the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018 (Sark Ordinance No. XIII of 2018). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Resolution of the Chief Pleas of Sark of 20th January, 2010 on the Report from the General Purposes and Advisory Committee entitled "Transfer of Functions Ordinance"; the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015 (Sark Ordinance No. II of 2015).

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(Approved by Chief Pleas on 19th April, 2006.)

The Avian Influenza and Control of Birds (Sark) Ordinance, 2006

THE GENERAL PURPOSES AND FINANCE COMMITTEE in exercise of the powers conferred on the Chief Pleas by section 8(1) of the Sark (Reform) Law, 1951^a and by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^b and of all other powers enabling the Chief Pleas in that behalf, and on the General Purposes and Finance Committee by section 8A of the Sark (Reform) Law, 1951, hereby Orders: –

PART I AVIAN INFLUENZA

Registration of birds.

1. (1) Any person who has in his charge any birds shall register the following information in writing with [the Committee] in accordance with subsection (2) –

- (a) the name and address of the premises where the birds are kept and any purpose for which those premises are used,
- (b) his, and where different, the owner's name, address and contact telephone number,

a Ordres en Conseil Vol. XV, p. 215 as amended by Order in Council XI of 2000.

b Order in Council No. III of 1994.

- (c) the total number of birds and the number of each species of birds kept on the premises, and
- (d) any change to any of the information registered with the Committee in accordance with paragraphs (a) to (c).

(2) The information referred to in subsection (1) shall be registered by 11th April 2006 except in the case of –

- (a) a person who starts to keep birds on premises on or after 11th April, 2006, or
- (b) information within subsection (1)(d),

where it shall be registered within 14 days of the date he started to keep birds on the premises in question or of the change in question, as the case may be.

NOTE

In section 1, the words in square brackets were substituted by the Avian Influenza and Control of Birds (Sark) (Amendment) Ordinance, 2010, section 1(2), with effect from 14th April, 2010.

Reporting and immediate precautions.

2. (1) A person who owns or has in his charge any bird which is, or which he suspects to be, infected with avian influenza must –

- (a) immediately notify the Committee of the infection or suspected infection,
- (b) immediately isolate the bird and keep it in isolation until notice in writing to the contrary is given to him by

the Committee acting in consultation with the Sark Veterinary Officer,

- (c) detain any birds, carcasses or hatching eggs of birds on the premises where the infection is or is suspected, and
- (d) comply with any requests for information reasonably made by the Committee or the Sark Veterinary Officer.

(2) Any veterinary surgeon must –

- (a) immediately forward to the Committee a written report of the result of every test undertaken by him for avian influenza where the tested bird has reacted, or where he is uncertain whether or not the bird has reacted, and
- (b) immediately inform the Committee where he suspects that avian influenza exists on any premises.

(3) Where the Committee receives a notification under subsection (1) or (2), then it shall arrange immediately for the Sark Veterinary Officer to be brought to Sark as soon as is practicable if he is not already present in the Island.

Testing where infection suspected and transportation of samples etc.

3. (1) If the Committee, in consultation with the Sark Veterinary Officer, suspects (whether on the basis of a notification or report given under section 2 or otherwise) that avian influenza may exist on any premises then the Constable, the Vingtenier, the Sark Veterinary Officer or an authorised person may –

- (a) inspect and keep under inspection those premises and any birds on them for as long as the Committee, in

consultation with the Sark Veterinary Officer, considers necessary,

- (b) arrange for any birds which are on those premises, or which have been on those premises during the preceding 60 days, to be tested by the Sark Veterinary Officer or an authorised person for avian influenza.

(2) The owner of a bird being tested under this section, or a person authorised by him, may be present at the test, but the absence of such owner or authorised person does not invalidate any test.

(3) The owner or person in charge of a bird must comply with all reasonable requirements of the Constable, the Vingtenier, the Sark Veterinary Officer or of an authorised person with a view to facilitating any test pursuant to this section, and must in particular arrange, if so required, for the collection, putting under cover and securing of birds to be tested.

(4) The owner or person in charge of a bird must not do, or cause or permit to be done, anything which is likely to affect the result of a test conducted pursuant to this section.

(5) If a person contravenes subsection (3) or (4) the Committee may, without prejudice to any proceedings for an offence arising out of that contravention, take all steps necessary to facilitate the reliable testing of any birds concerned, and recover from that person any expenses reasonably incurred by it in so doing.

(6) Where samples from birds have to be transported to a testing laboratory in order to carry out tests, then –

- (a) such samples and any other material necessary to carry out the test shall be transported and packaged by an authorised person for onward carriage out of Sark, and
- (b) any vehicle in which such samples or other material is transported must be disinfected,

in such manner as the Committee, in consultation with the Sark Veterinary Officer, may direct.

(7) Subject to subsection (5), the expenses of any tests under this section are to be defrayed by the Committee.

Reporting results.

4. Where the Sark Veterinary Officer or an authorised person conducts any test pursuant to section 3, he must as soon as practicable provide the Committee with a written report of the result of that test and the owner of a bird in respect of which such a report has been provided to the Committee is entitled, if he so requests, to a copy of it.

Positive reaction to a test.

5. If a bird reacts to a test for avian influenza conducted under section 3

—

- (a) the Committee must, at its expense, order the immediate isolation, slaughter and disposal of the bird in such manner as the Committee may direct,
- (b) the Committee must instruct the Sark Veterinary Officer or an authorised person immediately to cause to be tested for that disease every bird which has been

kept on the same premises as the slaughtered bird at any time during the 60 days preceding the date of the reaction, and

- (c) the Committee may, as respects any other bird kept on the same premises, notwithstanding that such other bird has not reacted, or been found to be an inconclusive reactor, to the test –
 - (i) order the isolation of that other bird, subject to such conditions and for such time as the Committee, in consultation with the Sark Veterinary Officer, thinks necessary, or
 - (ii) order its immediate slaughter.

Inconclusive reaction to a test.

6. (1) Subject to subsection (2), if on any test conducted under section 3 a bird is found to be an inconclusive reactor in respect of avian influenza, the Committee –

- (a) must order the isolation of that bird for such period as it may reasonably specify, in consultation with the Sark Veterinary Officer, after which period the bird must again be submitted to testing for that disease, and
- (b) must instruct the Sark Veterinary Officer or an authorised person immediately to cause to be tested for that disease every bird which has been kept on the same premises as that bird at any time during the 60 days preceding the date of the inconclusive reaction.

(2) In the circumstances in subsection (1), the Committee may decide to treat a bird as if it had reacted to the test and where it so decides then –

- (a) it may decide to carry out one or more of the actions specified in section 5 as though the bird had reacted to the test.
- (b) it may, for the avoidance of doubt –
 - (i) declare any premises on which that bird is, or has in the last 60 days been present, to be infected premises in accordance with section 9,
 - (ii) declare any area in which that bird is, or has in the last 60 days, been present to be an infected area in accordance with section 14, and
- (c) section 17 shall apply to that bird.

Slaughter of infected birds.

7. (1) If the slaughter of a bird is ordered by the Committee under this Part –

- (a) the bird must be transported to a place of slaughter directed by the Committee in consultation with the Sark Veterinary Officer,
- (b) the vehicle in which it is so transported must thereafter be disinfected in such manner as may be specified by the Committee in consultation with the Sark Veterinary

Officer, and

- (c) the bird must be slaughtered, and its carcase must be disposed of, in such manner as the Committee, in consultation with the Sark Veterinary Officer, may direct.

(2) A carcase disposed of by burial pursuant to this section must not be dug up otherwise than in accordance with the terms of a permit issued by the Committee.

Compensation.

8. (1) The owner of a bird which is slaughtered pursuant to this Part is entitled, if he has complied with all of the provisions of this Part applicable to him, to be paid compensation by the Committee of £5 per bird or its market value immediately before slaughter, whichever is less, from which shall be deducted the amount, if any, received or credited to the account of the owner in respect of the value of the carcase.

(2) The Committee may from time to time by Order increase the maximum amount of compensation set out in subsection (1).

(3) In assessing the value of a bird for the purposes of subsection (1), no account is to be taken of the fact that, immediately before slaughter, the bird was, or was suspected of being, infected with avian influenza.

(4) If a bird is ordered by the Committee to be slaughtered pursuant to this Part and the Committee and its owner do not agree as to its value, as calculated in accordance with subsection (1), then that value shall be assessed, on the basis of all reasonably available information as soon as reasonably possible after its slaughter, by two valuers, one appointed by the Committee and the other by the

owner of the bird.

(5) If, in the circumstances referred to in subsection (4), an owner fails to inform the Committee in writing within such period as the Committee specifies to him, of the name and address of the valuer appointed by him, another valuer shall be appointed by the Chairman of the Committee, and shall then for the purposes of this Part be deemed to be the valuer appointed by the owner.

(6) The valuers so appointed must before commencing their valuation nominate an umpire, who shall assess the value of the bird if the valuers disagree and the decision of the valuers or of the umpire, as the case may be, is final.

(7) Payment of compensation in accordance with this section shall be in full satisfaction of the value of the slaughtered bird and of all expenses incurred by the owner of the bird in carrying out his duties under this Part, including the costs, if any, of and incidental to a valuation.

Infected premises declaration.

9. (1) Upon receipt of notification from the Sark Veterinary Officer or an authorised person that avian influenza exists, or is suspected to exist, on any premises the Committee may, by notice in writing addressed to the occupier of those premises, declare them to be infected premises.

(2) The Committee may revoke a declaration under this section by notice in writing addressed to the occupier of the premises concerned.

(3) Whilst a declaration under this section is in force in the case of any premises sections 10 to 13 apply in relation to those premises and in deciding whether or not to grant any of the permissions referred to in those sections the Committee shall consult with the Sark Veterinary Officer.

Disinfection.

10. (1) The Committee may cause to be cleansed and disinfected under the supervision of the Sark Veterinary Officer or an authorised person any building, structure, equipment, vehicle, or clothing which is or has been on infected premises.

(2) A person must not cause or permit the use in connection with birds of anything which may have become contaminated, except in accordance with the permission of the Committee.

(3) The Sark Veterinary Officer or an authorised person must as soon as possible after the effective completion of such disinfection, report that fact in writing to the Committee.

(4) The cost of cleansing and disinfection under this section is to be defrayed by the Committee, except that where that cost is increased by reason of the wilful default or neglect of any person the Committee may recover the amount of that increase as a debt due from that person.

Accommodation and movement of birds.

11. (1) If it appears to the Committee to be impracticable to carry out an effective disinfection of any part of infected premises, or that alterations or repairs to any building or structure are necessary in order to make it sanitary and fit for use by birds, the Committee, after consulting the Sark Veterinary Officer, may order that that part of the premises, or that building or structure, as the case may be, shall not be used to house birds for such period as the Committee considers necessary.

(2) A person must not cause or permit any part of infected premises to be occupied by a bird in contravention of any reasonable requirement made by the Committee acting in consultation with the Sark Veterinary Officer.

(3) No bird may be moved into or out of infected premises except

in accordance with the terms of any permission given by the Committee.

Entry of persons on infected premises.

12. (1) If the Committee so directs by notice in writing to the occupier of infected premises then it is the duty of that occupier to ensure that no person other than a person attending infected or suspected birds enters such part of those premises as is specified in the notice, except with the permission of the Committee.

(2) A person entering infected premises must comply with all directions given by the Committee, acting in consultation with the Sark Veterinary Officer, as to the wearing, storage and disinfection of specified clothing and footwear, and as to the washing of hands.

(3) A person attending any infected or suspected bird on infected premises must not attend any other bird on those premises without the permission of the Committee.

(4) The Committee, acting in consultation with the Sark Veterinary Officer, may require that a receptacle of approved disinfectant be kept at all points of access to infected premises at the cost of the Committee except that where that cost is increased by the default or neglect of any person the Committee may recover the amount of that increase as a debt due from that person.

Removal of articles and material.

13. (1) A person must not remove from any infected premises –
- (a) any bird carcase,
 - (b) any bird product, including eggs and waste, or
 - (c) anything which may have been in contact with an

infected bird,

without the permission of the Committee or otherwise than in accordance with the terms of such permission.

(2) Anything so removed with permission for the purpose of disposal must be disposed of as prescribed by the Committee acting in consultation with the Sark Veterinary Officer.

(3) No bird excrement must be permitted to escape from any part of infected premises where infected or suspected birds have been kept within the previous 60 days, unless it has been disinfected to the satisfaction of the Committee acting in consultation with the Sark Veterinary Officer.

Infected area declaration.

14. (1) If in the opinion of the Committee avian influenza which has occurred in Sark ought, in the interests of bird health throughout or beyond the island be contained within Sark, or within any part of Sark, then the Committee may by Order declare Sark, or such part of Sark as is specified in the Order, to be an infected area in respect of that disease.

(2) The Committee must cause there to be published in the official notice boxes a notice of the making of every Order declaring an infected area, together with a statement of its terms, and also a notice of any variation or revocation of such an Order.

Infected area restrictions.

15. (1) Whilst an Order declaring an infected area is in force it is unlawful, otherwise than in accordance with a permission given by the Committee –

(a) to move any bird out of or into the infected area,

- (b) to move any bird along or across any public road or path within the infected area,
- (c) to water any bird at a stream within the infected area, or
- (d) to remove any bird from Sark.

(2) For the avoidance of doubt, permission to do something which would otherwise be prohibited by virtue of this section may be given either –

- (a) specifically to a particular person for a particular purpose, or
- (b) by means of a notice published in the official notice boxes, to all persons or all persons of a given description, for such purposes and in such circumstances as may be set out in the notice,

and may in either case be given subject to conditions.

Subsequent breeding restrictions.

16. (1) The Committee may by Order made at the same time as, or at any time within 12 months following, the revocation of an Order under section 14(1) prohibit the breeding within the previously infected area of any bird species (except with another bird on the same premises) otherwise than in accordance with a permission given by the Committee.

(2) An Order under this section shall lapse, unless previously revoked, on the first anniversary of the revocation of the Order under section 14(1), or on such earlier date as may be specified in the Order under this section in that behalf.

Sale, transfer and movement of birds and eggs.

17. (1) A person must not, without the permission of the Committee, knowingly sell, offer for sale, or move from the place where it then is, a bird, or any eggs of a bird, infected, or suspected by the Sark Veterinary Officer or a veterinary surgeon of being infected, with avian influenza, or a bird or any eggs of a bird which has been in contact with a bird so infected or suspected.

(2) A person who knows that there is at any place a bird which is, or which is suspected of being, infected with avian influenza, must not permit the entry of any bird or hatching eggs on that place without the permission of the Committee.

Application to animals and to other bird and animal diseases.

18. The [Policy and Finance Committee] of the Chief Pleas of Sark may by Regulations apply the provisions of this Part and of Part III, with appropriate modifications –

- (a) to any animal which it reasonably considers is susceptible to avian influenza, or
- (b) to any other animal or bird disease which it reasonably considers to represent a significant threat to animal, bird or human health.

NOTES

In section 18, the words in square brackets were substituted by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 3, with effect from 10th October, 2018.¹

The functions, rights and liabilities of the Sark Finance and Resources

Committee and of its Chairman arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by the Sark Policy and Performance Committee and Sark Finance and Resources Committee (Transfer of Functions) Ordinance, 2018, section 1, with effect from 10th October, 2018, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.²

PART II
CONTROL OF BIRDS

Application of this Part.

19. (1) This Part applies in any case in which in the opinion of the Committee, it is necessary or expedient –

- (a) in the interests of public health, hygiene or public safety,
- (b) to protect or preserve the amenity of the locality,
- (c) to prevent damage to or contamination of any building or property, or
- (d) to prevent the spread of any disease to which birds are susceptible,

to achieve the control set out in subsection (2).

(2) The control referred to in subsection (1) is to control the number of birds congregating in –

- (a) any place of any birds which reasonably appear to be wild birds or of any species or class of such birds, or

- (b) any public place of any birds or of any species or class of birds.

Directions for controlling numbers of birds.

20. (1) In any case to which this Part applies the Committee may, subject to the provisions of this section and of section 21, direct the taking of measures by humane methods to control, by destruction or otherwise, the numbers of birds in a specified place.

- (2) A direction under this section may –
 - (a) be given in respect of all birds found to be present at the place in relation to which it is given or in respect of any species or any class of birds so present,
 - (b) direct the destruction of birds, eggs of birds and nests of birds at the place in relation to which it is given, or their removal from that place and subsequent destruction or other disposal elsewhere,
 - (c) provide for the disposal of carcasses, eggs and nests destroyed pursuant to the direction, and
 - (d) make such ancillary provision as the Committee considers necessary or expedient.
- (3) A direction given under this section shall specify –
 - (a) the place in relation to which the direction is given,
 - (b) the first date and time at which the direction is to be

executed and the last date and time until which the direction may continue to be executed,

- (c) either numerically or by reference to a proportion of the birds found to be present, the maximum number of birds to be destroyed pursuant to the direction,
- (d) the authorised person, whether by name or by reference to any office held by him, authorised to execute the direction,
- (e) the method or methods which may be used for the destruction of birds pursuant to the direction, and
- (f) whether, and if so to what extent, the eggs and nests of the birds are to be destroyed pursuant to the direction.

Publication of notice of direction.

21. Subject to section 22, if the Committee gives a direction under section 20, a notice shall be published in the official notice boxes, on at least two occasions between the fourteenth day and the seventh day immediately preceding the first date on which the direction is to be executed –

- (a) setting out the matters specified in a direction pursuant to section 20(3)(a) to (c),
- (b) warning that the owner of a bird who desires to avoid its destruction pursuant to the direction should remove it from the place specified in the notice before the first date and time when the direction is to be executed, and

- (c) if the place specified in the direction is not a place to which the public normally have access, stating the arrangements by which owners of birds may be afforded access to that place for the purpose of removing birds owned by them.

Special provisions in the event of a serious threat to public or bird health or to public hygiene or safety.

22. (1) Where a direction is issued under section 20 in the circumstances set out in section 19(1)(d) and the Committee considers that there is a serious threat to public or bird health or a direction is issued in any other circumstances where the Committee considers there is such a threat or a serious threat to public hygiene or safety then –

- (a) the Committee must as soon as reasonably possible after the issue of that direction put a notice in the official notice boxes which must –
 - (i) specify the direction and the disease or other circumstances in question and the reasons why it considers there to be a relevant serious threat, and
 - (ii) set out the special provisions applicable under this section,
- (b) the Committee may, instead of complying with the provisions of section 21, place a notice in the official notice boxes, which may form part of the same notice as that referred to in paragraph (a), as soon as possible after the first date on which the direction was executed

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- (i) setting out the matters in section 21(a), and
 - (ii) requiring the owner of any bird which has been or is to be destroyed to apply to the Committee in writing for compensation, with written proof of such ownership, within 21 days of the date of that notice, and
- (c) where the Committee decides to publish a notice in accordance with paragraph (b) –
- (i) the owner of a bird who complies with the requirements of this section is entitled to compensation from the Committee of £5 per bird or its market value immediately before destruction, whichever is less, from which shall be deducted the amount, if any, received or credited to the account of the owner in respect of the value of its carcase, and
 - (ii) the provisions of sections 8(3) to (7) shall apply for the purposes of assessing compensation under this section as they apply to compensation to be assessed under Part I.

(2) The Committee may from time to time by Order increase the maximum amount of compensation set out in subsection (1)(c)(i).

Effect of direction.

23. (1) Subject to section 25, a direction given under section 20 shall, if the relevant requirements of sections 20(3) to 22 are complied with, be sufficient authority for –

- (a) the person specified pursuant to section 20(3)(d), and
- (b) any authorised person authorised in that behalf,

to carry out the direction in accordance with its terms and a person shall not in any way be liable for anything done or omitted to be done in the execution or purported execution of any such direction unless the thing is done or omitted to be done in bad faith.

Interpretation of this Part.

24. In this Part, unless the context requires otherwise –

"**place**" shall be construed in sections 20 and 21, in relation to a bird which reasonably appears to be a wild bird, to refer to "**any place**" and, in relation to any other bird, to refer to "**any public place**",

"**public place**" means any place to which the public have access and any place to which the public do not normally have access but which is for the time being owned or administered by the Chief Pleas, and

"**wild bird**" means any bird in a wild or feral state and includes any bird which reasonably appears to have been abandoned.

PART III
GENERAL PROVISIONS

Rights of entry.

25. (1) The Constable, the Vingtenier, the Sark Veterinary Officer or an authorised person may, subject to the provisions of this section, enter any land at any reasonable time for the purpose of testing pursuant to section 3 and for any other purposes reasonably necessary to carry out any of his functions pursuant to Part I.

(2) An authorised person may, subject to the provisions of this section, enter any land at any reasonable time for the purpose of considering whether and in what manner to exercise the Committee's direction making powers under Part II or in connection with the execution of any such direction.

(3) A person referred to in subsection (1) or (2) –

- (a) must, if so required, in the case of the Constable, the Vingtenier or the Sark Veterinary Officer, produce proof of his identity or, in the case of an authorised person, of his written authorisation before entering any land,
- (b) is not entitled to demand admission as of right to any land which is occupied unless, other than in the case of an emergency, such notice as is reasonably practicable in all the circumstances has been given to the occupier,
- (c) may, if necessary, be accompanied by a police officer, who may use reasonable force to restrain any person obstructing or threatening to obstruct the Constable, the Vingtenier, the Sark Veterinary Officer or authorised person as the case may be, and
- (d) may take with him such other persons as may be necessary for carrying out the purposes for which he

has entered.

Offences and penalties.

26. A person who –

- (a) contravenes, attempts to contravene, or fails to comply with, any provision of Part I or of an Order made under Part I,
- (b) fails to discharge any duty to which he is subject by virtue of Part I,
- (c) fails to comply with any direction given or requirement made under Part I,
- (d) contravenes, attempts to contravene, or fails to comply with, any conditions subject to which a permission is given under Part I,
- (e) obstructs or attempts to obstruct –
 - (i) the Constable, the Vingtenier, the Sark Veterinary Officer or an authorised person exercising any functions under Part I or Part III, or
 - (ii) a person acting in execution of a direction given under Part II,

is guilty of an offence and liable on conviction to a fine not exceeding level 4 on the Sark uniform scale.

Notices.

27. (1) Any notice or notification under this Ordinance may be given –
- (a) to an individual, by being delivered to him, or by being left at, or sent by post or transmitted to, his usual or last known place of abode,
 - (b) to a body corporate with a registered office in Sark, by being left at, or sent by post or transmitted to, that office,
 - (c) to a body corporate without a registered office in Sark, by being left at, or sent by post or transmitted to, its principal or last known place of business in Sark,
 - (d) to an unincorporated body, by being given to any partner, member, manager or officer thereof in accordance with paragraph (a), or by being left at, or sent by post or transmitted to, the body's principal or last known place of business in Sark,
 - (e) to the Committee, by being left at, or sent by post or transmitted to, the Sark Committee Office,

and in this section the expression "**by post**" means by registered post or recorded delivery service, and the expression "**transmitted**" means transmitted by facsimile transmission, electronic mail or other similar means which produce a document containing the text of the communication.

- (2) Where the name or address of any person to whom a notice or

notification is to be given under this Ordinance cannot after reasonable enquiry be ascertained, the notice or notification may be given by being delivered to some responsible person at the premises in question or, if there is no such person, by being affixed to a conspicuous part of the premises.

(3) Subsections (1) and (2) are without prejudice to any other lawful method of service.

General provisions as to Orders and Regulations.

28. (1) Orders and Regulations under this Ordinance –

- (a) may be amended or repealed by subsequent Order, or as the case may be, Regulations hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee of the Chief Pleas, on whom the power is conferred to make the Order or Regulations, to be necessary or expedient, and
- (c) shall be laid before a meeting of the Chief Pleas as soon as possible after being made and shall, if at that or the next meeting the Chief Pleas resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of the new Order or Regulations.

(2) Any power conferred by this Ordinance to make an Order or Regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in

relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and

- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes, or
 - (iii) any such provision either unconditionally or subject to any conditions specified in the Order or Regulations.

Interpretation.

29. (1) In this Ordinance, unless the context otherwise requires –

"authorised person" means a person authorised in writing by the Committee to perform the functions of an authorised person, or any of those functions, under this Ordinance,

"carcase" includes any part of a carcase, and the meat, bones, skin, feathers, beak, offal or other part of a bird separately or otherwise,

[**"the committee"** means the Sark Influenza (Human) Pandemic

Committee of the Chief Pleas of Sark or such other committee as may be appointed by the Chief Pleas to exercise the functions of the Committee under this Ordinance,]

"infected premises" means any premises so declared by an Order made by the Committee under section 9(1),

"infected area" means any area so declared by an Order made by the Committee under section 14(1),

"this Ordinance" includes any Order made by the Committee under this Ordinance,

"owner" means, the person having, or appearing to the Committee to have, the right to dispose of that bird and related words are to be construed accordingly,

"person" includes any body or authority,

"police officer" means a member of the salaried police force of the Island of Guernsey, the Constable or the Vingtenier,

"premises" includes buildings and any other land, and if a person occupies two or more non-adjacent areas each of them comprises separate premises for the purposes of this Ordinance,

"Sark" means the Island of Sark and includes its dependencies,

"Sark uniform scale" means the scale of fines specified by the

Uniform Scale of Fines (Sark) Law, 1989^c,

"Sark Veterinary Officer" means any veterinary surgeon –

- (a) who is authorised to practise as such in any of the British Islands, and
- (b) who is appointed by the Committee to carry out any of the functions prescribed in this Ordinance for the Sark Veterinary Officer,

and if such a veterinary surgeon is not able to carry out such functions at any time, includes any person nominated by the Committee to carry out such functions,

"test" means any procedure accepted by the Sark Veterinary Officer as appropriate to the diagnosis of avian influenza, and

"vehicle" includes boat, aeroplane or helicopter.

(2) A reference in this Ordinance to a bird having reacted to a test (except in the phrase "reacted negatively") means that the test has clinically established that the bird is infected with avian influenza.

(3) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of this Ordinance.

^c Ordres en Conseil Vol. XXXI, p. 320; the table of fines in section l(2) of the Law was substituted by the table set out in section 1 of the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 2004.

^d Ordres en Conseil Vol. XIII, p. 355.

(4) Any reference in this Ordinance to an enactment or to any subordinate legislation is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

NOTES

In section 29, the definition of the expression "the committee" in subsection (1) was substituted by the Avian Influenza and Control of Birds (Sark) (Amendment) Ordinance, 2010, section 1(3), with effect from 14th April, 2010.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Citation.

30. This Ordinance may be cited as the Avian Influenza and Control of Birds (Sark) Ordinance, 2006.

Commencement.

31. This Ordinance shall come into force on the 14th March, 2006.

1 These words were previously substituted by the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015, section 2, Schedule, with effect from 21st January, 2015. See also the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015.

2 Previous transfers of functions were made in accordance with the Resolution of the Chief Pleas of Sark of 20th January, 2010 on the Report from the General Purposes and Advisory Committee entitled "Transfer of Functions Ordinance"; by the Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) Ordinance, 2015; and by the Sark Policy and Performance Committee and its Chairman by the Sark General Purposes and Finance Committee (Transfer of Functions) Ordinance, 2015, section 1, with effect from 9th July, 2015, subject to the savings and transitional provisions in section 2 of the 2015 Ordinance.