

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Bovine Semen and Artificial Insemination Ordinance, 1957 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XI, p. 329; 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 and Fisheries (Transfer of Functions) Ordinance, 1962 (Recueil d'Ordonnances Tome XIII, p. 251); the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1963 (Recueil d'Ordonnances Tome XIII, p. 284); the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1971 (Recueil d'Ordonnances Tome XVII, p. 271); the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1976 (Recueil d'Ordonnances Tome XX, p. 421); the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1980 (Recueil d'Ordonnances Tome XXI, p. 432); the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 1982 (Recueil d'Ordonnances Tome XXII, p. 401); the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 17); the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 2001 (No. XVIII of 2001, Recueil d'Ordonnances Tome XXVIII, p. 431); 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). See also the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 2001 (*supra*).

ORDINANCE OF THE STATES OF DELIBERATION

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The Bovine Semen and Artificial Insemination Ordinance, 1957

ARRANGEMENT OF SECTIONS

1. Import of bovine semen prohibited.
2. Committee permitted to import from islands.
- 2A. Committee permitted to import certain bovine semen from Great Britain.
3. Export prohibited except by Committee.
- 3A. Exportation permitted by order.
4. Artificial insemination by means of imported bovine semen.
- 4A. Provisions relating to artificial insemination by means of semen imported under section 2A.
5. Licensing of artificial insemination (Foot and Mouth Disease).
6. Attachment of conditions to licences, etc.
7. Offences and penalty.
- 7A. Power of Court to order slaughter of bovine animal.
8. Seizure, etc. of consignments of bovine semen.
- 8A. Exceptions in favour of the Guernsey breed of bovines.
9. Repeals.
10. Definitions.
11. Application to embryo transplantation, ova and embryos.

SCHEDULE

(Made on 18th September, 1957.)

The Bovine Semen and Artificial Insemination Ordinance, 1957

THE STATES, in pursuance of their Resolution of the third day of July, nineteen hundred and fifty-seven, hereby order: –

Import of bovine semen prohibited.

1. (1) Subject to the succeeding provisions of this Ordinance, a person shall not import, or attempt to import, bovine semen into the Island.

(2) A person shall not import, attempt to import or cause to be imported, bovine semen into the Island of Guernsey from either of the Islands of Herm or Jethou except under the authority of a licence issued in that behalf by [the Committee].

NOTES

In section 1, the words in square brackets 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.

In accordance with the provisions of the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 2001, section 4, this Ordinance, when cited together with the amending Ordinances (the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1963, the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1971, the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1976, the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1980, the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 1982, and the 2001 Ordinance), may be cited as the Bovine Semen, Artificial Insemination and Embryo Transplantation Ordinances, 1957 to 2001.¹

[Committee] permitted to import from islands.

2. [The Committee] may import, or cause to be imported, bovine semen from any of the Islands of Alderney, Sark, Brecqhou, Herm or Jethou.

NOTE

In section 2, and the marginal note thereto, the words in square brackets 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.

[[Committee] permitted to import certain bovine semen from Great Britain.

2A. (1) [The Committee] may import, or cause to be imported, from Great Britain, bovine semen from such breed of bovines as may, from time to time, be specified by [the Committee] by order.

(2) Any order made by [the Committee] under the provisions of 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.]

NOTES

Section 2A was inserted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1971, section 1(a), with effect from 29th September, 1971.

In section 2A, and the marginal note thereto, the words in square brackets 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.

The following Order has been made under section 2A:

Bovine Semen (Importation) Order, 2015.

Export prohibited except by [Committee].

3. (1) Subject to the provisions of the next succeeding subsection a person shall not export, attempt to export or cause to be exported, bovine semen from the Island.

(2) [The Committee] may export, or cause to be exported, bovine semen from the Island –

- (a) for the purposes of the pathological examination and testing of that semen,
- (b) to the Islands of Alderney, Sark and Brecqhou.

NOTE

In section 3, and the marginal note thereto, the words in square brackets 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.

Exportation permitted by order.

3A. (1) Notwithstanding the provisions of section three of this Ordinance, [the Committee] may by order, from time to time, permit the exportation from the Island of bovine semen to any country named in the order subject to such conditions, if any, as [the Committee] may consider necessary or expedient.

(2) Any order made by [the Committee] under the provisions of 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.]

NOTES

Section 3A was inserted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1963, section 1(a), with effect from 31st July, 1963.

In section 3A, the words in square brackets 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.

The following Orders have been made under section 3A:

*Bovine Semen (Exportation) (France) Order, 1963;
Bovine Semen (Exportation) (Great Britain) Order, 1967;*

Bovine Semen (Exportation) (Republic of South Africa) Order, 1968.

Artificial insemination by means of imported bovine semen.

4. [Subject to the provisions of the next succeeding section, a] person shall not inseminate artificially any bovine animal in the Island by means of imported bovine semen otherwise than by means of bovine semen imported by [the Committee] under the provisions of section two of this Ordinance, or by means of bovine semen imported under the authority of a licence issued under the provisions of subsection (2) of section one of this Ordinance, as the case may be.

NOTES

In section 4,

the words in the first pair of square brackets were substituted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1971, section 1(b), with effect from 29th September, 1971;

the words in the second pair of square brackets 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.

[Provisions relating to artificial insemination by means of semen imported under section 2A.

4A. (1) A person, being a person authorised in writing in that behalf by [the Committee] (hereinafter referred to as an "**authorised person**") may inseminate artificially any bovine animal in the Island by means of any bovine semen imported under the provisions of section two A of this Ordinance.

(2) A person shall not inseminate artificially a bovine animal with bovine semen imported under the provisions of section two A of this Ordinance other than a bovine animal [which is a certified disease free animal].

(3) A person shall not inseminate artificially a bovine animal with bovine semen imported under the provisions of section two A of this Ordinance unless the owner or the person in charge of the animal produces to the satisfaction of the authorised person who is to perform such artificial insemination [a current

certificate issued by the Board under section 25(1) of the Animal Health Ordinance, 1996* in respect of that animal].

(4) The owner of a progeny of a bovine animal produced from artificial insemination involving the use of bovine semen imported under the provisions of section two A of this Ordinance shall, before the expiration of the period of seven days next following the date of the birth of that progeny, cause that progeny to be tattooed in the right ear with an identification mark approved by [the Committee] at such owner's expense.

(5) The owner of a male progeny of a bovine animal produced from artificial insemination involving the use of bovine semen imported under the provisions of section two A of this Ordinance shall, before the expiration of the period of six months next following the date of the birth of that progeny, cause that progeny to be castrated at such owner's expense.

(6) A person shall not use for breeding, or cause to be artificially inseminated with any bovine semen, a progeny of a bovine animal produced from artificial insemination involving the use of bovine semen imported under the provisions of section two A of this Ordinance.

(7) The owner or the person in charge of a bovine animal artificially inseminated with bovine semen imported under the provisions of section two A of this Ordinance or of a progeny produced from such an animal shall, before the expiration of the period of forty-eight hours next following the happening of any of the following events, that is to say –

- (a) the abortion of the animal artificially inseminated with such semen,
- (b) the birth of every progeny produced from artificial insemination with such semen whether the progeny is born alive or dead,

* Ordinance XI of 1996.

- (c) the death of an animal which has been artificially inseminated with such semen and the death of every progeny of such animal,
- (d) the change in the ownership or transfer by way of sale or otherwise of an animal which has been artificially inseminated with such semen and of every progeny of such animal,

notify [the Committee] in writing of such event, giving such details thereof as [the Committee] may, from time to time, require.

(8) A person authorised in writing in that behalf by [the Committee], on production of his authority if so required, may at any time during the period commencing one hour before sunrise and ending one hour after sunset on any day require the owner or the person in charge of a bovine animal which has been artificially inseminated with bovine semen imported under the provisions of section two A of this Ordinance, or of any progeny of such animal to allow such animal or progeny to be inspected by such person.

(9) A person shall not, during the period of three months next following the date of the artificial insemination of a bovine animal with bovine semen imported under the provisions of section two A of this Ordinance, further inseminate artificially that animal otherwise than with bovine semen imported under the provisions of section two A of this Ordinance.

(10) [The owner of a female progeny] of a bovine animal produced from artificial insemination involving the use of bovine semen imported under the provisions of section two A of this Ordinance shall cause that progeny to be slaughtered before the expiration of the period of two years next following the date of the birth of that progeny at such owner's expense.

(11) The owner of a progeny of a bovine animal produced from artificial insemination involving the use of bovine semen imported under the provisions of section two A of this Ordinance shall cause any progeny that may be produced by that progeny by any means whatsoever, whether natural or artificial, to

be slaughtered before the expiration of the period of ten days next following the date of the birth of such progeny of that progeny at such owner's expense.]

NOTES

Section 4A was inserted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1971, section 1(c), with effect from 29th September, 1971.

In section 4A,

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;

the words in square brackets in subsection (2) and subsection (3) were substituted by the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 2001, section 1, Schedule, respectively paragraph 1 and paragraph 2, with effect from 26th September, 2001;

the words in square brackets in subsection (10) were substituted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1980, section 1, with effect from 25th June, 1980.

Licensing of artificial insemination (Foot and Mouth Disease).

5. (1) During the continuance in force of any order made under the provisions of section six of the Foot and Mouth Disease Ordinance, 1950, a person shall not inseminate artificially, or attempt to inseminate artificially, any bovine animal except under the authority of a licence issued in that behalf by [the Committee].

(2) A licence shall not be issued by [the Committee] under the provisions of this section unless, in the opinion of [the Committee], the future milk supply of the Island may be seriously prejudiced if the artificial insemination of bovine animals is not permitted.

NOTES

In section 5, 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.

The Foot and Mouth Disease Ordinance, 1950 has since been repealed by the Animal Health Ordinance, 1996, section 35(1), Schedule 4, with effect from 1st May 1996, subject to the transitional provisions in Schedule 5 of the 1996 Ordinance.

Attachment of conditions to licences, etc.

6. [The Committee] in issuing any licence under the provisions of section one or section five of this Ordinance may attach to the issue of any such licence such conditions as they may deem necessary or expedient and may vary or revoke such conditions and may revoke any such licence.

NOTE

In section 6, the words in square brackets 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.

Offences and penalty.

7. Any person who –
- (a) contravenes any of the provisions of this Ordinance [or of any order made hereunder] or of any of the conditions of a licence issued hereunder, or
 - (b) knowingly and wilfully aids, abets, counsels or procures another person to contravene any of the provisions of this Ordinance [or of any order made hereunder] or to infringe any of the conditions of a licences issued hereunder, or
 - (c) knowingly accepts delivery of a consignment of bovine semen imported in contravention of the provisions of this Ordinance,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 4 on the uniform scale].

NOTES

In section 7,

the words in square brackets in paragraph (a) and paragraph (b) were inserted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1963, section 1(b), with effect from 31st July, 1963;

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

[Power of Court to order slaughter of bovine animal.]

7A. (1) Where a person has been convicted of an offence under any of the provisions of this Ordinance in respect of the artificial insemination of a bovine animal with any imported bovine semen, the Court shall, in addition to imposing a fine under the provisions of the last preceding section, order that every progeny of the animal to which the conviction relates either born or which may be born from such artificial insemination shall be seized and slaughtered and the carcass thereof destroyed or otherwise disposed of at the expense of the owner of the animal to which the conviction relates and any such expense may be recovered by the States from such owner as a civil debt.

(2) Where a person has been convicted of an offence under the provisions of subsection (10) or subsection (11) of section four A of this Ordinance, the Court shall, in addition to imposing a fine under the provisions of the last preceding section, order that the animal to which the conviction relates shall be seized and slaughtered and the carcass thereof destroyed or otherwise disposed of at the expense of the owner of that animal and any such expense may be recovered by the States from such owner as a civil debt.]

NOTE

Section 7A was inserted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1971, section 1(d), with effect from 29th September, 1971.

Seizure, etc. of consignments of bovine semen.

8. (1) The [Chief Executive of the States of Guernsey], any person

authorised by him in that behalf and any police officer may, if he has reasonable cause to believe that any consignment of bovine semen has been imported into, or has been or appears to be intended to be exported from, the Island in contravention of any of the provisions of this Ordinance [or of any order made hereunder] or of any of the provisions of a licence granted hereunder, seize that consignment and the [Chief Executive of the States of Guernsey] may, in agreement with the [President] of [the Committee], order the destruction or other disposal of any such consignment.

(2) The charges for, or in connection with, any action taken under this section shall be recoverable as a civil debt from the importer or exporter, as the case may be, of the consignment concerned.

NOTES

In section 8,

the words "Chief Executive of the States of Guernsey" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance;

the words in the second pair of square brackets in subsection (1) were inserted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1963, section 1(c), with effect from 31st July, 1963;

the words in, first, the fourth and, second, the fifth pairs of square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 5 and section 2, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2, with effect from 1st May, 2016.²

[Exceptions in favour of the Guernsey breed of bovines.]

8A. (1) The provisions of subsection (9) of section 4A and section 7A of this Ordinance shall not apply to any bovine animal inseminated artificially by means of imported semen from the Guernsey breed of bovines.

(2) The provisions of subsections (4), (5), (6), (10) and (11) of section 4A and section 7A of this Ordinance shall not apply to the progeny of any bovine animal produced from artificial insemination involving the use of imported semen from the Guernsey breed of bovines.]

NOTE

Section 8A was inserted by the Bovine Semen and Artificial Insemination (Amendment) Ordinance, 1976, section 1, with effect from 29th September, 1976.

Repeals.

9. The Ordinances set out in the Schedule to this Ordinance are hereby repealed.

Definitions.

10. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them –

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

"**consignment**" includes any part thereof,

"**certified disease free animal**" means an animal certified by the Board under section 25(1) of the Animal Health Ordinance 1996,]

"**importer**" and "**exporter**" 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 of, the consignment of bovine semen imported or exported, as the case may be,

"**the Island**" means the Islands of Guernsey, Herm and Jethou.

(2) References in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment, including this Ordinance.

NOTES

In section 10,

*the words in the first and second pairs of square brackets in the definition of the expression "the Committee" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 5 and section 2, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2, with effect from 1st May, 2016;*³

the definition of the expression "certified disease free animal" was inserted by the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 2001, section 1, Schedule, paragraph 3, with effect from 26th September, 2001.

*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.*⁴

[Application to embryo transplantation, ova and embryos.]

11. (1) The provisions of this Ordinance shall, in relation to any bovine animal, apply to embryo transplantation as they apply to artificial insemination and such provisions shall have effect as if references to bovine semen included references to the ova and to the embryos, respectively, of any such animal.

(2) For the purposes of this section –

- (a) the expression "**embryo transplantation**", in relation to any bovine animal, means the transfer of embryos from the uterus of a donor mother animal to the uterus of any other recipient animal, and
- (b) the expression "**embryo**", in relation to any bovine animal, means the fertilised and developing ova of any such animal.]

NOTES

Section 11 was inserted by the Bovine Semen, Artificial Insemination and

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Embryo Transplantation (Amendment) Ordinance, 1982, section 1, with effect from 24th November, 1982.

The Ordinance was made and came into operation on 18th September, 1957.

SCHEDULE

The Ordinance entitled "The Importation and Export of Bovine Semen and Artificial Insemination by Means of Imported Bovine Semen (Prohibition) Ordinance, 1945".

The Artificial Insemination of Bovine Animals (Prohibition) Ordinance, 1952.

The Export of Bovine Semen Ordinance, 1956.

¹ Previously, with effect from 24th November, 1982, this change in collective title was first made in accordance with the provisions of the Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 1982, section 3.

² The word "President" was previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.

³ 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 12, 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, 2004.

⁴ 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 Agriculture and Countryside Board were previously transferred to it from the States Agricultural and Milk Marketing Board by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 1, Schedule 1, paragraph 12, with effect from 21st January, 2002, subject to the savings and transitional provisions in section 2 of the 2001 Ordinance; the functions, rights and liabilities of the States Agricultural and Milk Marketing Board were previously transferred to it from the States Committee for Agriculture by the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987, section 1, Schedule, with effect from 1st March, 1987, subject to the savings in section 3 of the 1987 Ordinance; the functions, rights and liabilities of the States Committee for Agriculture were previously transferred to it from the States Committee for Agriculture and Fisheries by the States Committee for Agriculture and Fisheries (Transfer of Functions) Ordinance, 1962, section 1, with effect from 12th December, 1962, subject to the savings in section 2 of the 1962 Ordinance.