

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

The Swine Diseases (Sark) Ordinance, 1978 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, La Chasse Marette, Sark, GY10 1SF.

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* As amended by the Uniform Scale of Fines (Sark) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 320); the Swine Diseases (Amendment) (Sark) Ordinance, 1983.

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(Approved by Chief Pleas on 4th October, 1978.)

The Swine Diseases (Sark) Ordinance, 1978

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred upon them by subsection (1) of section eight of the Reform (Sark) Law, 1951^a, and of all other powers enabling them in that behalf, hereby order: –

Interpretation.

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

"the Chief Pleas" means the Chief Pleas of Sark,

"the Committee" means the Sark Agricultural Committee,

"the Court" means the Court of the Seneschal,

"the disease" means any of the following diseases –

Atrophic Rhinitis,
Swine Fever,
Swine Vesicular Disease,
Teschen's Disease,

"the Sark Veterinary Officer" means a veterinary surgeon who is authorised to practise as such in the Island of Guernsey according to the law for the time being in force and who is nominated by the Committee to carry out the duties prescribed in this Ordinance, and may, if a veterinary surgeon is not available to carry out such duties, mean a person nominated by the Committee to carry out any special duties in relation to this Ordinance,

"Swine" includes carcasses of swine,

^a Ordres en Conseil Vol. XV, p. 215.

"**swine dealer**" means a person who buys and sells swine, but a person shall not be a swine dealer by reason only that he sells for slaughter swine which he has purchased and fed for that purpose.

(2) The Interpretation (Guernsey) Law, 1948^b, shall apply to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

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

NOTE

In accordance with the provisions of the Swine Diseases (Amendment) (Sark) Ordinance, 1983, section 5, with effect from 6th April, 1983, this Ordinance, when cited together with the 1983 Ordinance, may be cited as the Swine Diseases (Sark) Ordinances, 1978 and 1983.

Duty of owner of affected swine.

2. (1) Every owner of, or any person having in his charge, any swine which are affected or suspected of being affected with the disease shall immediately notify the Sark Veterinary Officer and shall –

(a) prevent the access of other swine or of any person (other than the Sark Veterinary Officer and the person attending the swine) to the premises on which the affected or suspected swine are, and

(b) detain on the premises all swine thereon.

(2) The restrictions imposed by this section shall remain in operation as regards any premises until notice in writing to the contrary is given to

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

such person by fee Sark Veterinary Officer.

Inspection of premises and swine.

3. (1) The Sark Veterinary Officer may, if he suspects that the disease exists on any premises, enter upon and inspect such premises and any swine on those premises and may keep under inspection any suspected premises or swine, other than carcasses of swine, for any period which he may think fit.

(2) Before entering any such premises the Sark Veterinary Officer shall put on suitable boots and overall clothing which are capable of being disinfected, and immediately before leaving such premises shall thoroughly disinfect his boots, overall clothing and hands.

Veterinary Officer to report to Committee.

4. The Sark Veterinary Officer shall, immediately after carrying out an inspection in accordance with the provisions of the last foregoing section, inform the Committee of any swine found to be, or suspected of being, affected.

Declaration of Infected Place.

5. (1) On receipt of notification from the Sark Veterinary Officer that the disease exists, or is suspected to exist, on any premises, the Committee may declare the premises or any part thereof to be an Infected Place and any such premises shall, for as long as such declaration is in force, be subject to the following restrictions –

- (a) no swine shall be moved into or out of the Infected Place unless a licence in that behalf has been granted by the Committee,
- (b) no dung, animal feeding-stuffs, litter, utensil, pen, hurdle, vehicle or other thing shall be moved out of the Infected Place unless a licence in that behalf has been granted by the Committee,
- (c) swine on an Infected Place shall not be allowed by the owner or person in charge thereof to stray from or out

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of the Infected Place,

- (d) notice of the death of any swine on the Infected Place shall be given immediately to the Sark Veterinary Officer by the person in charge thereof,
- (e) no person other than the Sark Veterinary Officer or the person attending the swine, shall enter any part of an Infected Place unless authorised by and in accordance with a written permit obtained from the Committee,
- (f) any person entering any part of the Infected Place shall wear suitable overall clothing and boots which are capable of being disinfected and shall, before leaving such place, thoroughly disinfect such clothing and boots and his hands; when not in use such clothing and boots shall be left in such place as the Sark Veterinary Officer shall direct,
- (g) any person other than the Sark Veterinary Officer attending swine on an Infected Place shall not attend swine on any other premises,
- (h) the owner of such swine, or the person in whose charge such swine are, shall, to the best of his ability, give to the Committee or to the Sark Veterinary Officer any information concerning the swine which the Committee or that Officer may require,
- (i) no swine on an Infected Place shall be slaughtered and dressed for human consumption, and
- (j) the owner, or person in charge, of swine on an Infected Place shall keep, or cause to be kept, at or near every exit to the Infected Place a receptacle of a

type, and containing disinfectant, approved from time to time by the Sark Veterinary Officer and such disinfectant shall be changed or renewed by the said owner or person from time to time as that Officer may direct.

(2) Any licence granted by the Committee may be granted subject to such conditions as the Committee think fit and any such licence may be renewed, varied or revoked by the Committee.

Revocation of declaration of Infected Place.

6. A declaration that any premises are an Infected Place may be revoked by the Committee after an inspection by, and on the advice of, the Sark Veterinary Officer.

Order prohibiting movement of swine.

7. The Committee may by order prohibit the movement of swine into any premises or any part thereof, not being premises which have been declared an Infected Place in pursuance of the provisions of subsection (1) of section five of this Ordinance, on which there is, or has been, swine exposed to infection by the disease.

Offences relating to infected swine.

8. It shall be an offence under this Ordinance –

- (a) for any person knowingly, without the permission of the Committee, to bring swine infected or suspected of being infected with the disease into a public place or a place to which the public have access or into any place where such swine may come into contact with other swine,
- (b) for any person in charge of swine to fail to take all reasonable precautions to prevent them obtaining access to swine infected or suspected of being infected with the disease,

- (c) for any person being in control of a place where swine, infected or suspected of being infected with the disease, are or have been while so infected or suspected to fail to take reasonable precautions to prevent access of swine to that place.

Slaughter of swine affected.

9. (1) The Committee may cause to be slaughtered –

- (a) any swine suspected of being affected with the disease,
- (b) any swine which are or have been in contact with swine affected with the disease, or which appear to the Committee to have been exposed to the infection of the disease.

(2) The Committee may cause to be disposed of, in such manner as it shall direct, the carcase of any swine affected with or suspected of being affected with the disease.

Offence of digging up carcase.

10. It shall be an offence to dig up or cause to be dug up, without the written permission of the Committee, the carcase of any swine, the burial of which has been directed under this Ordinance.

Disinfection of Infected Place.

11. The Committee may cause to be cleansed and disinfected, under the supervision of the Sark Veterinary Officer, any Infected Place and any utensil, pen, hurdle, vehicle or other thing used for or about or for the transport of any swine affected or suspected of being affected with the disease.

Compensation.

12. Subject to his having complied with the provisions of this Ordinance, compensation shall be payable by the Chief Pleas to the owner of any swine slaughtered under and in accordance with such provisions.

Amount of compensation payable.

13. [(1) The compensation payable under and in accordance with the provisions of the last preceding section shall be –

- (a) in the case of a breeding sow or boar, one hundred and fifty pounds or its market value immediately before slaughter, whichever is the less,
- (b) in the case of any other swine weighing under one hundred pounds, ten pounds for the first month of age of the swine with an additional eight pounds for each subsequent month of age thereof or its market value immediately before slaughter, whichever is the less,
- (c) in the case of any other swine weighing one hundred pounds or over, its value as meat.]

(2) In assessing the value of a swine under the provisions of the last preceding subsection no account shall be taken of the fact that at that time the swine was or was suspected of being affected with the disease.

(3) There shall be deducted from the compensation payable under the provisions of subsection (1) of this section in respect of any swine the carcass of which is sold at a price approved by the Committee, the amount received for that carcass.

NOTE

In section 13, subsection (1) was substituted by the Swine Diseases (Amendment) (Sark) Ordinance, 1983, section 1(a), with effect from 6th April, 1983, subject to the transitional provision in section 2 of the 1983 Ordinance.

Compensation not payable in case of negligence or default.

14. Notwithstanding the provisions of section twelve of this Ordinance no compensation shall be payable under that section if it is found by the Committee

(from whose decision an appeal shall lie to the Court) that the owner of a slaughtered swine is, by reason of his negligence or default, responsible for that swine becoming affected with the disease.

Arbitration.

15. (1) If where a swine is ordered by the Committee to be slaughtered the Committee and the owner of the swine do not agree as to the value of such swine, such value shall be assessed, before slaughter, by two valuers, of whom one shall be appointed by the Committee and the other by the owner of the swine.

(2) If such owner shall fail to inform the Committee in writing within such period as the Committee may specify to him of the name and. address of the valuer appointed by him, a valuer shall be appointed by the Committee which valuer shall then for the purposes of this Ordinance be deemed to be the valuer appointed by the owner.

(3) The valuers so appointed shall, before commencing their valuation, nominate an umpire who shall assess the value of the swine if the valuers disagree; the decision of the valuers or of the umpire, as the case may be, shall be final.

Compensation deemed full satisfaction of value.

16. Payment of compensation under the provisions of this Ordinance shall be full satisfaction of the value of the swine slaughtered as aforesaid and of all expenses incurred by the owner of the swine in carrying out his duties under this Ordinance, including, if any, the cost of and incidental to a valuation.

Payment under section 9.

17. Any sums required by the Committee for the purposes of section nine of this Ordinance shall be paid out of monies provided by Chief Pleas.

Payment under section 11.

18. The cost of any cleansing or disinfection carried out by the Committee under the provisions of section eleven of this Ordinance shall be paid for out of monies provided by Chief Pleas save that where such cost results from or is

increased by any wilful act or neglect on the part of the owner of the swine concerned, or of his servants or agents, the Committee may recover the amount of such cost or increase from the owner as a civil debt.

Register.

- 19.** (1) The Committee may by order require –
- (a) every swine dealer to keep a register of his transactions,
 - (b) every castrator of swine to keep a register of swine castrated,
 - (c) every owner of a boar used for the service of sows other than his own to keep a register of sows served.

(2) Any register required by the Committee to be kept under the provisions of the last preceding subsection shall be in such form and contain such particulars as the Committee may from time to time prescribe, and shall be produced by the owner for inspection at all reasonable times to a person duly authorised by the Committee, and that person shall be entitled to make copies of any entries therein.

Provisions relating to castrators.

- 20.** The Committee may by order require –
- (a) that any instrument used by a castrator for the purpose of castrating swine shall forthwith after being used for such purpose and before being again so used for the purpose of castrating swine on other premises be thoroughly washed with soap and water and shall then be disinfected, or otherwise sterilised, and
 - (b) that every castrator immediately before leaving any premises upon which he has castrated swine shall thoroughly wash his hands with soap and water and his

boots with an approved disinfectant.

Returns.

21. The Committee may by order cause a return to be made to the Committee as and when required and in such form as the Committee shall prescribe in relation to swine on an Infected Place.

Order of Infected Area.

22. (1) The Committee may by order –

(a) declare the Island of Sark or any part thereof to be an Infected Area and such order shall have effect, subject to any exemption in writing granted by the Committee and to such conditions as the Committee may from time to time attach thereto, so as to –

(i) prohibit the movement of any swine out of or into the Infected Area,

(ii) prohibit the movement of any swine, other than carcasses thereof, from any premises in the Infected Area on which the swine were situate immediately prior to the coming into force of such order,

(iii) prohibit the slaughter of swine at any place in the Infected Area save that swine may be slaughtered in an Infected Place,

(iv) require, during the continuance in force of such order, the owner of any swine which die in the Infected Area or which die outside the Infected Area having been in the Infected Area during the two weeks immediately preceding death to report the fact of such death, as soon as may be thereafter, to the Sark Veterinary Officer,

- (b) prohibit the export of any swine from the Island of Sark.

(2) The Sark Veterinary Officer shall, if so instructed by the Committee, inspect any swine within an Infected Area, and shall submit a report of any such inspection to the Committee.

(3) For the purposes of this section any farm or holding which is partly within and partly without an Infected Area shall be deemed to be wholly within that Area, and detached parts of farms or holdings wholly outside an Infected Area shall be deemed to be separate farms or holdings.

Offences.

23. Any person committing an offence under the provisions of this Ordinance or any person contravening any of the provisions of this Ordinance or of any order or direction or licence given hereunder or any person giving information which he is required to give under the provisions of this Ordinance which is false or misleading in a material particular or obstructing or attempting to obstruct the Sark Veterinary Officer in the execution of his duty hereunder shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 4 on the Sark uniform scale].

NOTE

In section 23, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Sark) Law, 1989, section 2(2), with effect from 1st November, 1989.¹

Citation.

24. This Ordinance may be cited as the Swine Diseases (Sark) Ordinance, 1978.

Commencement.

25. This Ordinance shall come into force on the fourth day of October, nineteen hundred and seventy-eight.

¹ Section 23 was previously amended by the Swine Diseases (Amendment) (Sark) Ordinance, 1983, section 1(b), with effect from 6th April, 1983.