

Consolidated text

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

The Foot and Mouth and other Animal Diseases (Amendment) (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 Murette, Sark, GY10 1SF.

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* As amended by the Foot and Mouth and other Animal Diseases (Amendment) (Sark) Ordinance, 1983.

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ARRANGEMENT OF SECTIONS

1. Amendment to Ordinance of 1952.
2. Compensation in respect of animal slaughtered before the coming into force of this Ordinance.
3. Construction.
4. Citation.
5. Collective title.
6. Commencement.

SCHEDULE

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

The Foot and Mouth and other Animal Diseases (Amendment) (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: –

Amendment to Ordinance of 1952.

1. The Foot and Mount Disease Ordinance, 1952, as amended, (hereinafter referred to as "**the principal Ordinance**") is hereby further amended as follows –

(a) in section one thereof –

(i) the definition of the expression "Committee" is repealed and the following definition is substituted therefor –

" **"the Committee"** means the Sark Agricultural Committee,"

(ii) immediately after the definition of the expression "the Committee" there is inserted the following additional definition –

" **"the Court"** means the Court of the Seneschal,"

(b) section one thereof is renumbered as section "1.(1)" and immediately thereafter there are inserted the following additional subsections numbered "(2)" and "(3)" –

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

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" (2) The Interpretation (Guernsey) Law, 1948, 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.",

- (c) in paragraph (a) of subsection (1) of section six thereof immediately after the word "Committee" there are inserted the following additional words –

"and to such conditions as the Committee may from time to time attach thereto",

- (d) immediately after subsection (3) of section six thereof there are inserted the following additional subsections numbered "(4)" and "(5)" –

" (4) Upon the revocation of an order made under subsection (1) of this section, the Committee may, subject to the provisions of the next succeeding subsection, by order from time to time declare that in respect of the Island of Sark or any part thereof –

- (a) the taking of an animal to another animal for breeding is prohibited, and
- (b) the delivery in connection with the transfer by sale or otherwise of an animal is prohibited except

under the authority of a permit issued by, and under such conditions as may be imposed by, the Committee.

(5) Nothing in the last preceding subsection shall apply to –

(a) the taking of an animal to another animal for breeding when both animals are on the same farm,

(b) the taking of a cow or heifer to a bull or the taking of a sheep, goat or other ruminating animal, or swine to another animal of that species for breeding under the authority of a permit issued by, and under such conditions as may be imposed by, the Committee.",

(e) ...

(f) Immediately after subsection (4) of section ten thereof there are inserted the following additional subsections numbered "(5)" and "(6)" –

" (5) In assessing the value of an animal in accordance with the provisions of this section no account shall be taken of the fact that, at that time, the animal is, or is suspected of being affected with Foot and Mouth Disease.

(6) Notwithstanding the provisions of subsections two and five of this section no compensation shall

be payable under this section if it is found by the Committee (from whose decision an appeal shall lie to the Court) that the owner of the slaughtered animal is, by reason of his negligence or default, responsible for his animal becoming affected with Foot and Mouth Disease.",

(g) the Schedule thereto is repealed and there is inserted the Schedule set out in the Schedule to this Ordinance;

(h) immediately after section thirteen thereof there is inserted the following additional section numbered "14" –

" **Application to other diseases.**

14. The provisions of this Ordinance shall apply to the diseases specified in the Schedule to this Ordinance as they apply to Foot and Mouth Disease and such provisions shall have effect as if references therein to Foot and Mouth Disease included references to those diseases.",

(i) section fourteen thereof is renumbered as section "15".

NOTE

In section 1, paragraph (e) was repealed by the Foot and Mouth and other Animal Diseases (Amendment) (Sark) Ordinance, 1983, section 3, with effect from 6th April, 1983.

Compensation in respect of animal slaughtered before the coming into force of this Ordinance.

2. In the case of an animal slaughtered under the provisions of the principal Ordinance before the coming into force of this Ordinance and in respect of which compensation in accordance with the provisions of that Ordinance has not been paid at the date of the coming into force of this Ordinance, compensation shall be payable in respect of that animal as if this Ordinance had not been passed.

Construction.

3. This Ordinance shall be construed as one with the principal Ordinance.

Citation.

4. This Ordinance may be cited as the Foot and Mouth and other Animal Diseases (Amendment) (Sark) Ordinance, 1978.

Collective title.

5. This Ordinance and the Foot and Mouth Disease (Sark) Ordinances, 1952 and 1971, may be cited together as the Animal Diseases (Sark) Ordinances, 1952 to 1978.

Commencement.

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

SCHEDULE

Section one (g)

"SECOND SCHEDULE

Section fourteen

Additional diseases to which the provisions of this Ordinance apply

Cattle Plague.

Enzootic Bovine Leukosis.

Pleuro-Pneumonia."