

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

The Bovine Animal Diseases (Sark) Ordinance, 1971 *

[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 Uniform Scale of Fines (Sark) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 320); the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978; the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1983.

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(Approved by Chief Pleas on 20th January, 1971.)

The [Bovine Animal Diseases (Sark) Ordinance, 1971]

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred upon them by the provisions of subsection (1) of section eight of the Reform (Sark) Law, 1951, 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 have the meanings hereby respectively assigned to them, that is to say –

"animal" means a bull, cow, ox, heifer or calf,

"carcase" means the carcase of any animal and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal or other part of any animal separately or otherwise, or any portion thereof,

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

"the committee" means the Sark Agricultural Committee,

["the disease" means any of the following diseases –

Brucellosis (*brucella abortus*),

Bovine Tuberculosis,]

"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,

["test" means –

- (a) in relation to Brucellosis, the *brucella abortus* agglutination blood test,
- (b) in relation to Bovine Tuberculosis, the single intradermal tuberculin test,

and any other test for any such disease which may from time to time be approved by the Committee and the expression "tested" shall be construed accordingly.]

(2) Except in so far as the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as if the same were an enactment in force in the Island of Guernsey.

NOTES

The words in square brackets in the title to this Ordinance were substituted for the original words (the "Brucellosis (Sark) Ordinance, 1971") as a consequence of the amendment made to section 17 of this Ordinance by the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978, section 1(d), with effect from 4th October, 1978.

In accordance with the provisions of the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1983, section 6, with effect from 6th April, 1983, this Ordinance, when cited together with the amending Ordinances (the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978 and the 1983 Ordinance), may be cited as the Bovine Animal Diseases (Sark) Ordinances, 1971 to 1983.

In section 1, the definitions of the expressions "the disease" and "test" in subsection (1) were substituted by the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978, respectively section 1(a)(i) and section 1(a)(ii), with effect from 4th October, 1978.

Testing of animals.

2. (1) Without prejudice to the powers conferred on the Sark Veterinary Officer under the provisions of the next succeeding section, the Committee may, for the purposes of preventing the introduction or spread of the disease, cause any animal to be tested by the Sark Veterinary Officer on the premises on which that animal is to be found.

(2) Not less than five hours' notice of the time and place of any test to be carried out under the provisions of the last preceding subsection shall be given by the Committee to the owner of the animal.

(3) Any owner as aforesaid any person authorised by him in that behalf may be present at the test, but the absence of the owner or person authorised shall not invalidate the test if due notice thereof under the provisions of the last preceding subsection has been given.

Duty of owner of affected animal.

3. Every person having in his possession or under his charge any animal which is affected or is suspected by him of being affected with the disease shall immediately –

- (a) isolate that animal and keep it in isolation until notice in writing to the contrary is given to such person by the Sark Veterinary Officer, and
- (b) notify the Sark Veterinary Officer, who shall, if he so thinks fit, submit that animal to the test.

Inspection of premises and animals.

4. The Sark Veterinary Officer, in any case where he suspects that the disease exists on any premises, is hereby authorised to inspect such premises and any animal on the premises and to keep under inspection any suspected premises or animal for any period which he may think fit.

Veterinary Officer to report to Committee.

5. The Sark Veterinary Officer, as respects every animal which he has submitted to the test, shall forward to the Committee a written report of the result of

the test.

Procedure when animal reacts.

6. When an animal reacts to the test –

- (a) the Committee shall, at the expense of the Chief Pleas, order the immediate isolation, slaughter and disposal of the animal in such manner as the committee shall direct, which slaughter shall be carried out immediately after the animal has been valued in accordance with the provisions of section eleven of this Ordinance, and
- (b) the Committee shall instruct the Sark Veterinary Officer immediately to submit to the test every animal which has been herded with the slaughtered animal at any time during the sixty days next preceding the date of such reaction, every such animal being deemed for the purposes of this Ordinance to be suspected of being affected with the disease:

Provided that any animal which has been submitted to the test without reaction shall not again be submitted to the test until the expiration of the thirty days next following its previous submission to the test, and

- (c) the Committee may, as respects any other animal in the same herd notwithstanding that such other animal has not reacted to the test –
 - (i) order the isolation of that other animal, subject to such conditions and for such time as the Committee, in consultation with the Sark Veterinary Officer, thinks necessary, or
 - (ii) order its slaughter, immediately after the

animal has been valued in accordance with the provisions of section eleven of this Ordinance.

Procedure when animal is inconclusive reactor.

7. When, on test, the Sark Veterinary Officer is uncertain whether or not an animal has reacted thereto (which animal shall hereafter in this Ordinance be referred to as "**an inconclusive reactor**") the Committee shall –

- (a) order the isolation of that animal for a period of thirty days, after which period the animal shall again be submitted to the test, and
- (b) instruct the Sark Veterinary Officer to submit immediately to the test every animal which has been herded with such animal at any time during the sixty days next preceding the date of such inconclusive reaction and every animal being deemed for the purposes of this Ordinance to be suspected of being affected with the disease:

Provided that any animal which has been submitted to the test without reaction shall not again be submitted to the test until the expiration of the thirty days next following its previous submission to the test.

Sale or transfer of animals.

8. [(1)] A person shall not, without the permission of the Committee, knowingly sell, offer for sale, or move from the place where it then is, an animal affected with or suspected by the Sark Veterinary Officer of being affected with the disease or which forms part of or comes from a herd which is affected or is suspected as aforesaid of being affected with the disease.

[(2)] A person shall not deliver in completion of the transfer by sale or otherwise an animal over the age of one week unless at the time of such delivery there is delivered to the transferee or his agent a certificate from the Sark Veterinary Officer stating that the animal has been submitted to the test in relation

to Bovine Tuberculosis by that Officer during the sixty days next preceding the date of such delivery and that the animal is not affected with Bovine Tuberculosis:

Provided that the provisions of this subsection shall not apply to animals delivered for the purpose of being slaughtered immediately after delivery.]

NOTE

In section 8, subsection (1) was renumbered and subsection (2) inserted by the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978, section 1(b), with effect from 4th October, 1978.

Entry of animal on affected place.

9. (1) A person who knows that there is at any place an animal affected with or suspected of being affected with the disease or which forms part of or comes from a herd which is affected or suspected of being affected with the disease, shall not permit the entry on such place of any animal for any purpose except with the permission of the Committee.

(2) Any animal moved to a place in contravention of the provisions of this section shall for the purposes of sections six and seven of this Ordinance, be deemed to be included in the herd to which it is moved.

Milk from affected animal.

10. The milk of a cow affected with the disease shall be disposed of forthwith by any person in possession of the same in accordance with the instructions of the Sark Veterinary Officer.

Compensation.

11. (1) Subject to his having complied with the provisions of this Ordinance, compensation shall be paid by the Chief Pleas to the owner of any animal slaughtered under and in accordance with such provisions.

[(2) The compensation payable, in respect of any animal slaughtered under and in accordance with the provisions of this Ordinance, shall, subject to the provisions of the next succeeding subsection, be –

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(a) in the case of cattle, other than oxen, their market value immediately before slaughter, or the amount specified hereunder for the category of animal in question, whichever is the less –

(i) a milch cow, or a heifer over
six months in calf £600,

(ii) a heifer aged –

two years and over and
which is less than six
months in calf £400,

two years and over and
which is not in calf £300,

one and a half years and
under two years £260,

one year and under one
and a half years £200,

six months and under
one year £170,

under six months £150,

(iii) a bull aged –

two and a half years and
over £600,

two years and under two

Consolidated text

| | |
|---|-------|
| and a half years | £400, |
| one and a half years and under two years | £260, |
| one year and under one and a half years | £200, |
| six months and under one year | £170, |
| under six months | £150, |

(b) in the case of oxen, their value as meat.]

(3) There shall be deducted from the compensation payable in respect of any animal in accordance with the provisions of the last preceding subsection the value, if any, of the carcass of that animal received by, or credited to the account of, the owner thereof.

(4) In assessing the value of any animal for the purposes of the provisions of subsection (2) of this section, no account shall be taken of the fact that, immediately before slaughter, the animal was, or was suspected of being, affected with the disease.

(5) Subject as is hereinbefore provided, if, where an animal is ordered by the Committee to be slaughtered in pursuance of the provisions of this Ordinance, the Committee and the owner of the animal do not agree as to the value of such animal, 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 animal.

(6) If such owner shall fail to inform the Committee in writing within such period as the Committee shall specify to him of the name and address of the valuer appointed by him, a valuer shall be appointed by the President of the Royal Guernsey Agricultural and Horticultural Society (hereinafter referred to as

"the President") and who shall then for the purposes of this Ordinance be deemed to be the valuer appointed by the owner.

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

(8) Payment of compensation as aforesaid shall be full satisfaction of the value of the animal so slaughtered and of all expenses incurred by the owner of the animal in carrying out his duties under this Ordinance, including the costs, if any, of and incidental to a valuation.

NOTE

In section 11, subsection (2) was substituted by the Bovine Animal 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.¹

Slaughter of animal affected.

12. (1) Every animal whose slaughter has been ordered by the Committee in pursuance of the provisions of this Ordinance shall be slaughtered in such manner and at such place and the carcass shall be disposed of in such manner as the Committee shall order.

(2) Every animal whose slaughter has been ordered by the Committee as aforesaid shall be transported from the place where it then is, accompanied by the Constable or Vingtenier, in a vehicle which shall thereafter be disinfected under the supervision of the Sark Veterinary Officer.

Disinfection of stables, etc.

13. (1) When the existence of the disease has been established and after the slaughter of the animal affected therewith, the Committee shall cause to be cleansed and disinfected every stable, accessory, utensil and any clothing which might have become contaminated, the whole under the supervision of the Sark Veterinary Officer.

(2) The Sark Veterinary Officer shall as soon as may be after the completion of such disinfection make a report in writing to the Committee that such disinfection has been carried out in an effective manner.

(3) A person shall not, without the permission of the Committee –

(a) cause or permit any such stable to be occupied by any animal, or

(b) cause or permit any such accessory or utensil to be used in connection with any animal.

(4) When it shall appear to the Committee to be impracticable to carry out an effective disinfection of the stables or that alterations or repairs to the stables are necessary in order to make them sanitary and fit for use by cattle, the Committee, after consulting the Sark Veterinary Officer and two independent persons appointed by the President, is hereby authorised to order that such stables shall not be used to house an animal for such period as the Committee shall consider necessary.

Expenses.

14. The cost of submitting an animal to the test by the Committee in accordance with the provisions of this Ordinance and of the cleansing and disinfection by the Committee of the stables, accessories utensils and clothing shall be defrayed by the Chief Pleas save that where the cost of such cleansing or disinfection has been increased by any wilful act or neglect on the part of the owner of the animal concerned, or of his servants or agents, the Chief Pleas may recover, as a civil debt, from such owner the amount of such increase; the cost of transport in a vehicle of an animal or carcase to a slaughter-house and of the disinfection of such vehicle shall be defrayed by the Chief Pleas.

Prohibition of inoculation with brucella.

15. A person shall not inoculate any animal with vaccine containing brucella, whether living or dead.

Offences.

16. A person who contravenes or attempts to contravene or fails to comply with any of the provisions of section three (which relates to the duty of the owner of an affected animal), section eight (which relates to the sale and movement of affected animals), section nine, (which relates to the entry of animals on an affected place), section ten (which relates to the destruction of milk of a cow affected with the disease), subsection (2) and subsection (3) of section thirteen (which relates to the disinfection and use of animals with brucella) of this Ordinance or who fails to comply with any order given in pursuance of any of the provisions of this Ordinance or any condition attached thereto or who obstructs or attempts to obstruct the Sark Veterinary Officer or the Constable or Vingtenier in the execution of his duties in pursuance 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 Sark uniform scale].

NOTE

In section 16, 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, 1989.²

Citation.

[**17.** This Ordinance may be cited as the Bovine Animal Diseases (Sark) Ordinance, 1971.]

NOTES

Section 17 was substituted by the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978, section 1(d), with effect from 4th October, 1978.³

The Ordinance was made and came into force on 20th January, 1971.

¹ Prior to this substitution, subsection (2) (of section 11 and not as shown, incorrectly in the printed version of the 1978 Ordinance, section 12) was substituted by the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1978, section 1(c), with effect from 4th October, 1978.

² Section 16 was previously amended by the Bovine Animal Diseases (Amendment) (Sark) Ordinance, 1983, section 1(b), with effect from 6th April, 1983.

³ The Ordinance, when originally enacted, was cited as the Brucellosis (Sark) Ordinance, 1971.