

BILLET D'ÉTAT No. IV, 2012

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PROJET DE LOI

ENTITLED

The Civil Contingencies (Bailiwick of Guernsey) Law, 2012

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The Civil Contingencies (Bailiwick of Guernsey) Law, 2012

THE STATES, in pursuance of their Resolutions of the 30th day of March, 2005^a, the 1st day of December, 2011^b, and the ** day of February, 2012^c, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART 1

CIVIL CONTINGENCIES AUTHORITY

Establishment of the Civil Contingencies Authority.

1. (1) There is established a body known as the Civil Contingencies Authority ("**the Authority**") which shall be a committee of the States of Guernsey, and which shall have the functions conferred by this Law, by any other enactment and by Resolution of the States of Guernsey.

(2) Schedule 1 shall have effect as respects the constitution of the Authority.

(3) For the avoidance of doubt, Resolutions of the States (whether under section 1 of the States Committees (Constitution and Amendment) (Guernsey) Law, 1991^d, or otherwise) relating to the constitution and operation of departments and committees of the States of Guernsey generally shall apply to the Authority only to the extent that contrary provision is not made in this Law or those Resolutions.

^a Article I of Billet d'État No. III of 2005.

^b Article XIII of Billet d'État No. XIX of 2011.

^c Article ** of Billet d'État No. ** of 2012.

^d Ordres en Conseil Vol.XXXIII, p. 471.

PART 2
ARRANGEMENTS FOR CIVIL PROTECTION

Introductory

Meaning of "emergency".

2. (1) In this Law "**emergency**" means -

- (a) an event or situation which threatens serious damage to human welfare or the environment in the Bailiwick, or any part thereof, or
- (b) war, or terrorism, which threatens serious damage to the security of the Bailiwick, or any part thereof.

(2) For the purposes of subsection (1)(a) an event or situation threatens damage to human welfare only if it involves, causes or may cause -

- (a) loss of human life,
- (b) human illness or injury,
- (c) homelessness,
- (d) damage to property,
- (e) disruption of the supply and distribution of food, water, energy or fuel, or money,

- (f) disruption of a system of communication,
- (g) disruption of facilities for transport, or
- (h) disruption of services relating to health.

(3) For the purposes of subsection (1)(a) an event or situation threatens damage to the environment only if it involves, causes or may cause -

- (a) contamination of land, water or air with biological, chemical or radioactive matter, or
- (b) disruption or destruction of plant life or animal life.

(4) An event or situation mentioned in subsection (1) may occur or be within or outside the Islands.

Contingency planning

Power of Authority to order risk assessment and planning.

3. (1) The Authority may specify, by regulations, that a person or body listed in Part I or II of Schedule 2 shall do one or more of the following -

- (a) at least once in each calendar year assess the risk of an emergency occurring,
- (b) at least once in each calendar year assess the risk of an emergency making it necessary or expedient for the person or body to perform any of his or its functions,

- (c) prepare and maintain a plan for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs the person or body is able to continue to perform his or its functions,
- (d) prepare and maintain a plan for the purpose of ensuring that if an emergency occurs or is likely to occur the person or body is able to perform his or its functions so far as necessary or desirable for the purpose of -
 - (i) preventing the emergency,
 - (ii) reducing, controlling or mitigating its effects, or
 - (iii) taking other action in connection with it,
- (e) consider whether an assessment carried out under paragraph (a) or (b) makes it necessary or expedient for the person or body to add to or modify plans maintained under paragraph (c) or (d), or
- (f) maintain arrangements to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred.

(2) Regulations under subsection (1) may make provision about the manner in which a duty set out there is to be performed by the person or body.

- (3) Regulations under subsection (1) may -
- (a) make provision about the kind of emergency in relation to which the person or body is or is not to perform a duty set out in those regulations,
 - (b) permit or require the person or body not to perform a duty set out in those regulations in specified circumstances or in relation to specified matters,
 - (c) make provision as to the timing of performance of a duty set out in those regulations,
 - (d) require the person or body to consult a specified person or body or class of person or body before or in the course of performing a duty set out in those regulations,
 - (e) permit, require or prohibit collaboration, to such extent and in such manner as may be specified, by persons or bodies in the performance of a duty set out in those regulations,
 - (f) permit or require a person or body listed in Part I, II or III of Schedule 2 to cooperate, to such extent and in such manner as may be specified, with a person or body listed in Part I or II of that Schedule in connection with the performance of a duty set out in those regulations,

- (g) permit or require a person or body listed in Part I, II or III of Schedule 2 to provide information, either on request or in other specified circumstances, to the Authority or to a person or body listed in Part I or II of that Schedule in connection with the performance of a duty set out in those regulations,
- (h) permit or require the person or body to perform (wholly or partly) a duty under those regulations having regard to, or by adopting or relying on, work undertaken by another specified person or body,
- (i) permit or require the person or body, in maintaining a plan under those regulations, to have regard to the activities of bodies whose activities are not carried on for profit,
- (j) make provision about the extent of, and the degree of detail to be contained in, a plan maintained under those regulations,
- (k) require a plan to include provision for the carrying out of exercises,
- (l) require a plan to include provision for the training of staff or other persons,
- (m) permit the person or body to make arrangements with another person or body, as part of planning undertaken

by that body, for the performance of a function on behalf of the first person or body,

- (n) make provision which has effect despite other provision made by or by virtue of an enactment,
- (o) make provision which applies only in specified circumstances, and
- (p) require the person or body to make public such information as may be specified.

Supplemental.

4. (1) The Authority may issue guidance to a person or body listed in Schedule 2 about the matters specified in regulations made under section 3(1).

(2) A person or body specified in regulations made under section 3(1) shall send a copy of a plan that has to be maintained under those regulations to the Authority, as soon as the plan is -

- (a) produced, or
- (b) amended.

Civil protection and emergency prevention

Identification and assessment of risks by the Authority.

5. (1) If the Authority identifies the risk of an emergency affecting the Bailiwick or any part thereof, it may direct, by means of a written notice, that a

person or body specified in regulations made under section 3(1) addresses that risk in a plan specified in that section.

(2) The Authority shall, in each calendar year, report to the Policy Council on the risks of an emergency affecting the Islands, save that such a report shall not include any information which may prejudice -

- (a) the security of the Bailiwick,
- (b) the enforcement of law in the Bailiwick,
- (c) the economy of the Bailiwick,
- (d) the international reputation of the Bailiwick, or
- (e) relations with other jurisdictions.

Action to prevent an emergency occurring.

6. (1) If the Authority has reasonable grounds to believe that -

- (a) there is a significant risk that an emergency will occur unless an action identified by the Authority is performed, and
- (b) there is a significant risk that the action referred to in (a) will not be performed in time to prevent that emergency occurring,

then, subject to subsections (3) to (6), the Authority may either -

- (i) direct a committee, or a person or body listed in Part II of Schedule 2, to perform that action, or
- (ii) if it considers such direction to be inappropriate in the circumstances, perform that action itself.

(2) Under subsection (1) the Authority may -

- (a) direct a committee, or person or body listed in Part II of Schedule 2, to perform an action, or
- (b) perform that action itself,

whether or not that committee, person or body, or the Authority, as the case may be, is empowered, by Resolution of the States, an enactment (other than this Law), or otherwise, to perform it.

(3) For the avoidance of doubt, the power under subsection (1) to perform an action does not include a power to make subordinate legislation, nor to disapply or modify an enactment.

(4) The Authority may neither direct a committee, person or body under subsection (1) to perform an action, nor perform an action under that subsection itself, unless Her Majesty's Procureur has advised it about the proportionality of so doing.

(5) A direction under subsection (1)(i) must be in writing and must specify the period of time within which the action identified therein must be

performed.

(6) In this section –

- (a) **"perform an action"** includes make a promise, enter into an undertaking, enter an agreement and make a decision, on behalf of the States of Guernsey, and
- (b) subject to section 7, when there is a temporary member of the Authority nominated under paragraph 2(1) of Schedule 1, **"committee"** includes a Committee of the States of Alderney (where that member has been nominated by the Policy and Finance Committee of the States of Alderney) and a Committee of the Chief Pleas of Sark (where that member has been nominated by the Emergency Services Committee of the Chief Pleas of Sark).

Action to prevent an emergency occurring: temporary members.

7. (1) If there is a temporary member of the Authority nominated under paragraph 2(1) of Schedule 1 by the Policy and Finance Committee of the States of Alderney, and -

- (a) the Authority proposes to direct a Committee of the States of Alderney under this section to perform an action, or to perform itself an action that in the opinion of Her Majesty's Procureur falls within a function conferred on a Committee of the States of Alderney by law or delegated to it by resolution of the States of Alderney,

- (b) in the opinion of Her Majesty's Procureur the action in question does not fall within one of the subjects listed in the Schedule to the Alderney (Application of Legislation) Law, 1948^e (subjects in respect of which Guernsey legislation may be extended to Alderney), and
- (c) that temporary member objects to the direction being made or action being performed, as the case may be,

then the Authority may not make that direction or perform that action.

(2) If there is a temporary member of the Authority nominated under paragraph 2(1) of Schedule 1 by the Emergency Services Committee of the Chief Pleas of Sark, and -

- (a) the Authority proposes to direct a Committee of the Chief Pleas of Sark to perform an action, or to perform itself an action that in the opinion of Her Majesty's Procureur falls within a function conferred on a Committee of the Chief Pleas of Sark by law or delegated to it by resolution of the Chief Pleas of Sark, and
- (b) that temporary member objects to the direction being made or action being performed, as the case may be,

^e Ordres en Conseil Vol. XIII, p. 448; Vol. XVI, pp. 124 and 126; Vol. XXIV, p. 210; Vol. XXIX, p. 299; Vol. XXX, p. 224; Vol XXXVII, p. 251.

then the Authority may not make that direction or perform that action.

Monitoring by the Authority.

8. (1) The Authority may, by notice in writing, require a person or body listed in Schedule 2 to -

- (a) provide it with information about action taken by the person or body for the purpose of complying with a duty under this Part, or
- (b) explain why the person or body has not taken action for the purpose of complying with a duty under this Part.

(2) A requirement under subsection (1) may specify -

- (a) a period within which the information or explanation, and
- (b) the form in which the information or explanation,

is to be provided.

(3) The Authority may only require a person or body to provide information in accordance with subsection (1)(a) if it has reasonable grounds to believe that that person or body -

- (a) is in possession of,

- (b) has access to, or
- (c) with reasonable effort, is able to obtain,

the relevant information.

Provision of information.

9. Regulations or a notice under this Part may, if addressing the provision or disclosure of information, make provision about the -

- (a) timing of that provision or disclosure,
- (b) form in which information is provided or disclosed,
- (c) use to which information may be put,
- (d) storage of information, and
- (e) disposal of information.

Amendment of Schedule 2.

10. (1) The States may, by Ordinance, amend Schedule 2.

(2) Before an Ordinance is made under subsection (1), the Authority shall consult the Policy and Finance Committee of the States of Alderney, the Emergency Services Committee of the Chief Pleas of Sark, or both, if, in the opinion of the Authority, Alderney, Sark or both Islands (as the case may be) would be affected by the Ordinance.

Regulations under this Part.

11. Regulations under this Part -

- (a) may be amended or repealed by subsequent regulations,
- (b) may contain such consequential, incidental, supplemental or transitional provision as may appear to the Authority to be necessary or expedient, and
- (c) shall be laid before a meeting of the States as soon as is reasonably practicable after being made and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

PART 3

EMERGENCY POWERS

Power to make emergency regulations.

12. (1) The Authority may make emergency regulations if the conditions in section 13 are satisfied.

(2) Regulations under this section must be prefaced by a statement by the Authority -

- (a) specifying the nature of the emergency in respect of which the regulations are made, and

- (b) declaring that the Authority is satisfied that -
 - (i) the conditions in section 13 are satisfied,
 - (ii) the regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency or an aspect or effect of the emergency in respect of which the regulations are made,
 - (iii) the effect of the regulations is in due proportion to the emergency or that aspect or effect of the emergency, and
 - (iv) the regulations are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^f ("**the Human Rights Law**").

Conditions for making emergency regulations.

- 13.** (1) This section specifies the conditions mentioned in section 12.
- (2) The first condition is that an emergency has occurred, is occurring or is about to occur.
- (3) The second condition is that it is necessary to make provision

^f Ordres en Conseil Vol. XL p. 396; amended by Order in Council No. I of 2005; Recueil d'Ordonnances Tome XXIX, p. 406; and G.S.I. No. 27 of 2006.

for the purpose of preventing, controlling or mitigating the emergency or aspects or effects of the emergency.

(4) The third condition is that the need for provision referred to in subsection (3) is urgent.

(5) The fourth condition is that Her Majesty's Procureur has advised the Authority about the proportionality of making the proposed regulations.

Scope of emergency regulations.

14. (1) Subject to section 15, emergency regulations may make any provision which the Authority is satisfied is appropriate for the purpose of preventing, controlling or mitigating the emergency or an aspect or effect of the emergency in respect of which the regulations are made.

(2) In particular, emergency regulations may make any provision which the Authority is satisfied is appropriate for the purpose of -

- (a) protecting human life, health or safety,
- (b) treating human illness or injury,
- (c) protecting or restoring property,
- (d) protecting or restoring the supply or distribution of food, water, energy or fuel, or money,
- (e) protecting or restoring a system of communication,
- (f) protecting or restoring facilities for transport,

- (g) protecting or restoring the provision of services relating to health,
- (h) protecting or restoring the activities of banks or other financial institutions,
- (i) preventing, containing or reducing the contamination of land, water or air,
- (j) preventing, reducing or mitigating the effects of disruption or destruction of plant life or animal life,
- (k) protecting or restoring the performance of a public function,
- (l) preventing, reducing or mitigating the effects of war or terrorism, and
- (m) maintaining public order.

(3) Emergency regulations may make provision of any kind that could be made by Projet de Loi, and in particular, regulations may -

- (a) confer a function on a Minister, Chairman or other presiding officer of a committee, a Committee of the States of Alderney or the Chief Pleas of Sark, or on any other specified person, and a function conferred may, in particular, be -

- (i) a power, or duty, to exercise a discretion,
 - (ii) a power to give directions or orders, whether written or oral,
- (b) provide for or enable the requisition or confiscation of property (with or without compensation),
- (c) provide for or enable the destruction of property, animal life or plant life (with or without compensation),
- (d) prohibit, or enable the prohibition of, movement to or from a specified place,
- (e) require, or enable the requirement of, movement to or from a specified place,
- (f) prohibit, or enable the prohibition of, assemblies of specified kinds, at specified places or at specified times,
- (g) prohibit, or enable the prohibition of, travel at specified times,
- (h) prohibit, or enable the prohibition of, other specified activities,
- (i) create an offence of -

- (i) failing to comply with a provision of the regulations,
 - (ii) failing to comply with a direction or order given or made under the regulations, and
 - (iii) obstructing a person in the performance of a function under or by virtue of the regulations,
- (j) disapply, adapt or modify an enactment or any rule of law,
- (k) require a person or body to act in performance of a function (whether the function is conferred by the regulations or otherwise and whether or not the regulations also make provision for remuneration or compensation),
- (l) make provision (which may include conferring powers in relation to property) for facilitating any deployment of Her Majesty's armed forces,
- (m) confer jurisdiction on a court or tribunal (which may include a tribunal established by the regulations),
- (n) make provision which has effect in relation to an area of the territorial sea adjacent to the Bailiwick, and
- (o) make provision which applies generally or only in specified circumstances or for a specified purpose.

(4) In subsection (3) "**specified**" means specified by, or to be specified in accordance with, the regulations.

(5) Emergency regulations may be amended or repealed by subsequent emergency regulations, and may contain such consequential, incidental, supplemental or transitional provision as may appear to the Authority to be necessary or expedient.

(6) The Authority must have regard to the importance of ensuring that the Royal Court of Guernsey is able to conduct proceedings in connection with

-

(a) the regulations, or

(b) action taken under the regulations.

Limitations of emergency regulations.

15. (1) Emergency regulations may make provision only if and in so far as the Authority is satisfied -

(a) that the provision is appropriate for the purpose of preventing, controlling or mitigating the emergency or an aspect or effect of the emergency in respect of which the regulations are made, and

(b) that the effect of the provision is proportionate to the emergency or that aspect or effect of the emergency.

(2) Emergency regulations must specify the Islands or parts

thereof in relation to which the regulations have effect; and for the avoidance of doubt, emergency regulations may extend to the entire Bailiwick, to one or more Islands, or to one or more identified parts of an Island or Islands.

- (3) Emergency regulations may not -
 - (a) create an offence other than one of the kind described in section 14(3)(i),
 - (b) create an offence which is punishable -
 - (i) with imprisonment for a period exceeding three months, or
 - (ii) with a fine exceeding level 5 on the uniform scale, or
 - (c) alter procedure in relation to criminal proceedings.
- (4) Emergency regulations may not amend, adapt, modify or disapply -
 - (a) this Part of this Law, or
 - (b) the Human Rights Law.

Duration and scrutiny of emergency regulations.

16. (1) Emergency regulations shall be laid before the States as soon as is reasonably practicable after being made.

(2) Emergency regulations shall lapse at the end of the period of seven days beginning with the date of laying, unless during that period -

- (a) a proposition is put before the States to approve the regulations which is not carried, in which case the regulations shall lapse immediately, or
- (b) the States pass a Resolution approving them.

(3) Emergency regulations which have not lapsed under subsection (2) shall lapse -

- (a) at the end of the period of 30 days beginning with the date on which they are made, or
- (b) at such earlier time as may be specified in the regulations.

(4) If the States pass a Resolution that emergency regulations shall cease to have effect, the regulations shall cease to have effect -

- (a) at such time, after the passing of the Resolution, as may be specified in it, or
- (b) if no time is specified in the Resolution, on the passing of the Resolution.

(5) If the States pass a Resolution that emergency regulations shall have effect with a specified amendment, the regulations shall have effect as amended, with effect from -

- (a) such time, after the passing of the Resolution, as may be specified in them, or
 - (b) if no time is specified in the Resolution, at the beginning of the day after that on which the Resolution was passed.
- (6) Nothing in this section -
- (a) shall prevent the making of new regulations, or
 - (b) shall affect anything done by virtue of regulations before they lapse, cease to have effect or are amended under this section.

Scrutiny of emergency regulations: Alderney and Sark.

17. (1) Emergency regulations that have effect in Alderney shall be laid before a meeting of the States of Alderney as soon as practicable after being made; and if at that meeting the States of Alderney resolve that the emergency regulations be annulled, they shall cease to have effect in Alderney, but without prejudice to anything done under them or to the making of new regulations.

(2) Emergency regulations that have effect in Sark shall be laid before a meeting of the Chief Pleas of Sark as soon as practicable after being made; and if at that meeting the Chief Pleas resolve that the emergency regulations be annulled, they shall cease to have effect in Sark, but without prejudice to anything done under them or to the making of new regulations.

PART 4
GENERAL

Exclusion of liability.

18. (1) Subject to subsection (2), no person is to be –

(a) liable in damages, or

(b) where an individual, personally liable in any civil proceedings,

in respect of anything done or omitted to be done after the commencement of this Law in the discharge or purported discharge of his functions, or functions delegated to him, under this Law, unless the thing was done or omitted to be done in bad faith.

(2) Subsection (1) does not apply so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights Law.

Regulations may make different provision for different circumstances, etc.

19. The power to make regulations under Part 2, and emergency regulations under Part 3, 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,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

Offences and penalties.

20. (1) A person who fails to comply with -

- (a) regulations made under section 3(1),
- (b) a notice made under section 5(1), or
- (c) a notice under section 8(1),

is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or

- (b) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Offences by bodies corporate and partnerships, etc.

21. (1) Where an offence under this Law, or any subordinate legislation made under it, is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

(3) Where any such offence is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) in the case of a partnership, any partner,
- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty whereof the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or

- (c) any person purporting to act in any capacity described in paragraph (a) or (b),

he as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where any such offence is alleged to have been committed by an unincorporated body, proceedings for the offence shall be brought in the name of the body and not in the name of any of its members.

(5) A fine imposed on an unincorporated body on its conviction of any such offence shall be paid from the funds of the body.

Unauthorised disclosures of information.

22. (1) A person who is or has been a member of the Authority is guilty of an offence if without lawful authority he makes a disclosure of any information, document or other article which is or has been in his possession by virtue of his position as a member of the Authority.

(2) A person who is or has been a States of Guernsey employee or contractor is guilty of an offence if without lawful authority he makes a disclosure of any information, document or other article available to him under this Law which is or has been in his possession by virtue of his position as such an employee or contractor.

(3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, either that the information, document or article in

question related to the work of the Authority, or that the disclosure would be damaging within the meaning of subsection (4).

(4) For the purposes of subsection (3) a disclosure is damaging if-

- (a) it causes damage to the work of the Authority, or
- (b) it is of information or a document or other article which is such that its unauthorised disclosure would be likely to cause such damage or which falls within a class or description of information, documents or articles the unauthorised disclosure of which would be likely to have that effect.

(5) A person guilty of an offence under this section is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Oath to be taken by members of Authority.

23. (1) An oath or affirmation must be taken by every person who is a member of the Authority.

(2) The oath or affirmation must be taken by the person concerned before he begins to act in the performance of his functions as a member of the Authority.

(3) If the person concerned is a permanent member of the Authority, then, subject to subsection (5), the oath or affirmation must be taken before the Bailiff.

(4) If the person concerned is a temporary member of the Authority, then, subject to subsection (5), the oath or affirmation must be taken either before the Bailiff, or before -

- (a) the Chairman of the Court of Alderney (in the case of a temporary member nominated under paragraph 2(1) of Schedule 1 by the Policy and Finance Committee of the States of Alderney), or
- (b) the Seneschal (in the case of a temporary member nominated under paragraph 2(1) of Schedule 1 by the Emergency Services Committee of the Chief Pleas of Sark).

(5) An oath or affirmation under this section may be taken over a live television link.

(6) The oath or affirmation shall be in such form as the States may prescribe by Ordinance.

(7) In this section, "**the Bailiff**" includes the Deputy Bailiff, a Lieutenant-Bailiff, a Juge Délégué, and a Judge of the Royal Court.

General provisions as to Ordinances.

24. (1) Any Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient, including provision making consequential amendments to this Law and any other enactment.

(2) Any power conferred by this Law to make any Ordinance 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,

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

Interpretation.

25. (1) In this Law, unless the context otherwise requires -

"Airport Director, Guernsey and Alderney Airports" means the airport director and the deputy airport director for the time being of Guernsey Airport and Alderney Airport,

"Alderney Harbour Officer" means the Harbour Officer as defined in section 62(1) of the Government of Alderney Law, 2004^g,

"Authority" has the meaning given by section 1(1),

"Chairman" means the Chairman of the Authority,

"Chief Fire Officer" has the meaning given in the Fire Services (Guernsey) Law, 1989^h,

"Chief Officer of Police" means the chief officer of the salaried police force of the Island of Guernsey,

"Chief Officer of Customs and Excise" has the meaning given in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law,

^g Order in Council No. III of 2005; No. XXII of 2010.

^h Ordres en Conseil Vol. XXXI, p. 432; as amended by Ordres en Conseil Vol. XXXVII, p. 454; Recueil d'Ordonnances Tome XXVI, p. 57; Tome XXIX, p. 406.

1972ⁱ,

"Chief Pharmacist" means the person appointed as chief pharmacist by the Health and Social Services Department,

"committee" means any committee, department, board, authority or other body of the States of Guernsey, whether established by Resolution or by an enactment,

"Director General of Utility Regulation" means the person appointed to the office of Director General under section 1 of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001^j,

"Director of Civil Aviation" has the meaning assigned to it by the Aviation (Bailiwick of Guernsey) Law, 2008^k,

"Director of Environmental Health and Pollution Regulation" means the person appointed under section 4 of the Environmental Pollution

ⁱ Ordres en Conseil Vol. XXIII, p. 573; as amended by Ordres en Conseil Vol. XXIV, p. 87; Vol. XXXI, p. 278; Vol. XXXIII, p. 217; Order in Council No. X of 2004; No. XIV of 2007; No. II of 2010; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXII, p. 668; Tome XXXII, p. 607; Ordinance No. VII of 2008; No. LV of 2008; No. XLIV of 2009; No. LII of 2011; G.S.I. No. 56 of 2008; G.S.I. No. 76 of 2009; and G.S.I. No. 97 of 2010.

^j Ordres en Conseil Vol. XLI, p. 295; as amended by Order in Council No. XXII of 2009; Recueil d'Ordonnances Tome XXVIII, p. 493; Tome XXIX, p. 406; and Tome XXXII, p. 8.

^k No. XXVIII of 2008; as amended by G.S.I. No. 90 of 2008; G.S.I. No. 91 of 2008.

(Guernsey) Law, 2004^l,

"emergency" has the meaning given by section 2,

"emergency regulations" means regulations made under Part 3,

"enactment" means a Law, Ordinance or subordinate legislation,

"function" means any power or duty whether conferred by virtue of an enactment or otherwise,

"Guernsey Water" means the Guernsey Water Division of the States of Guernsey Public Services Department,

"Harbourmaster" has the meaning given by the Harbours Ordinance, 1988^m,

"Health and Social Services Department" means the States of Guernsey Health and Social Services Department,

"Her Majesty's Procureur" includes Her Majesty's Comptroller,

"Home Department" means the States of Guernsey Home

^l Order in Council No. XIII of 2004; as amended by Order in Council No. XIII of 2010; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXI, p. 618; Tome XXXI, p. 660; Tome XXXII, p. 113; Ordinance No. XVIII of 2010.

^m Recueil d'Ordonnances Tome XXIV, p. 418; as amended Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 418; Tome XXV, p. 11; Tome XXVI, p. 310; Tome XXVIII, p. 424; Tome XXIX, p. 359; Tome XXIX, p. 406.

Department,

"Islands" means the islands of the Bailiwick, and **"Island"** shall be construed accordingly,

"Medical Officer of Health" has the meaning given in the Loi relative à la Santé Publique, 1934ⁿ,

"member of the Authority" includes its Chairman,

"obstructing" includes wilfully not co-operating,

"Policy Council" means the States of Guernsey Policy Council,

"Public Services Department" means the States of Guernsey Public Services Department,

"Sark medical officer" means the person appointed as the Island medical officer by the Chief Pleas of Sark,

"States Works" means the States Works Division of the States of Guernsey Public Services Department,

"subordinate legislation" means any regulation, rule, order, rule of court, Resolution, scheme, direction, byelaw or other instrument made under

ⁿ Ordres en Conseil Vol. IX, p. 386; as amended by Ordres en Conseil Vol. XIX, p. 213; Vol. XXIX, p. 239; Vol. XXXI, p. 278; Vol. XXXIX, p. 64; Recueil d'Ordonnances Tome XXIII, p. 427; Tome XXIX, p. 406. This Law is applied to the Island of Alderney by Recueil d'Ordonnances Tome IX, p. 280; and to the Islands of Herm and Jethou by Recueil d'Ordonnances Tome XIII, p. 264.

any enactment and having legislative effect,

"system of communication" means a system that provides for the transmission of information and includes telecommunications services within the meaning of the Telecommunications (Bailiwick of Guernsey) Law, 2001^o,

"terrorism" has the meaning given by section 1 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002^p,

"uniform scale" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^q, and

"war" includes armed conflict.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^r shall apply to the interpretation of this Law throughout the Bailiwick.

(3) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

^o Ordres en Conseil Vol. XLI, p. 452; amended by Order in Council No. XXX of 2003; and Recueil d'Ordonnances Tome XXIX, p. 406.

^p Order in Council No. XVI of 2002; No. VII of 2005; No. XIII of 2006; No. XIII of 2010; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXII, p. 648; Ordinance No. XIII of 2010; No. XX of 2010; No. XXXVII of 2010; G.S.I. No. 16 of 2003; and G.S.I. No. 41 of 2005.

^q Ordres en Conseil Vol. XXXI, p. 278.

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

Repeals and consequential amendments.

26. (1) The enactments specified -

(a) in Part 1 of Schedule 3 are repealed to the extent specified in the second column of that Part, and

(b) in Part II of Schedule 3 are repealed.

(2) The enactments specified in Part III of Schedule 3 are amended as set out therein.

Extent, citation and commencement.

27. (1) This Law extends to the territorial waters adjacent to the Bailiwick.

(2) This Law may be cited as the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

(3) This Law shall come into operation on the day appointed by Ordinance of the States, and such an Ordinance may appoint different days for different provisions and different purposes.

SCHEDULE 1

CIVIL CONTINGENCIES AUTHORITY

Membership: permanent and temporary

1. The following shall be permanent members of the Authority -
 - (a) the Chief Minister, or in the absence of the Chief Minister -
 - (i) the Deputy Chief Minister, or
 - (ii) in the absence of the Deputy Chief Minister, or if he is also the Minister of the Home Department, the Public Services Department or the Health and Social Services Department, such other member of the Policy Council as the Chief Minister shall nominate,
 - (b) the Minister of the Home Department, or in the absence of the Minister -
 - (i) the Deputy Minister of the Home Department, or
 - (ii) in the absence of the Deputy Minister, a member of the Home Department nominated by the Minister,

(c) the Minister of the Public Services Department, or in the absence of the Minister -

(i) the Deputy Minister of the Public Services Department, or

(ii) in the absence of the Deputy Minister, a member of the Public Services Department nominated by the Minister, and

(d) the Minister of the Health and Social Services Department, or in the absence of the Minister -

(i) the Deputy Minister of the Health and Social Services Department, or

(ii) in the absence of the Deputy Minister, a member of the Health and Social Services Department nominated by the Minister.

2. (1) When, in the view of a majority of the permanent members of the Authority -

(a) an emergency has occurred, is occurring, or is about to occur, or

(b) the significant risks set out in section 6(1)(a) and (b) exist,

and one or both of the Islands of Alderney and Sark have been, are being, or will be affected thereby, then the Authority shall invite the Policy and Finance Committee of the States of Alderney, the Emergency Services Committee of the Chief Pleas of Sark, or both, as the case may be, to nominate a representative to be a temporary member of the Authority; and on that nomination being accepted by the representative, he shall be a temporary member of the Authority.

(2) Subject to sub-paragraph (3), a person nominated under sub-paragraph (1) as a temporary member of the Authority shall, for the period of his membership, have the same rights and responsibilities in relation to the Authority as permanent members.

(3) The membership of the Authority of a person nominated under sub-paragraph (1) shall cease when either that person resigns his membership or, if earlier, when the permanent members vote that it shall cease.

(4) A vote under sub-paragraph (3) to end the membership of a person nominated under sub-paragraph (1) shall only be held on a proposition that the membership should cease because Alderney or Sark (as the case may be) is no longer affected by the emergency or the significant risks (as the case may be).

Presiding Officer right to attend and advise

3. (1) The Presiding Officer of the States of Deliberation, or in his absence, those persons listed in sub-paragraph (2), shall be given notice of every meeting of the Authority, and shall have the right to attend meetings of the Authority, and to advise it, both at its meetings and otherwise.

(2) The persons listed in subparagraph (1) are -

- (a) the Deputy Bailiff, or,
- (b) in the absence of the Deputy Bailiff, any Acting Presiding Officer of the States of Deliberation.

(3) For the avoidance of doubt, the Authority may consult and seek advice from any person.

Chairman

4. The Chairman of the Authority shall be the Chief Minister, or, in the absence of the Chief Minister -

- (a) the Deputy Chief Minister, or if the circumstances in paragraph 1(a)(ii) apply, the member of the Policy Council nominated by the Chief Minister, or, if he is not available,
- (b) the Minister of the Home Department, or, if he is not available,
- (c) the Minister of the Public Services Department, or, if he is not available,
- (d) the Minister of the Health and Social Services Department.

Votes and Quorum

5. Subject to paragraphs 2 and 6, each member of the Authority shall have one original vote.

6. In the case of a tied vote, the Chairman shall have an additional casting vote.

7. The quorum of the Authority shall be three permanent members.

Presence of Her Majesty's Procureur

8. Her Majesty's Procureur shall be present at all meetings of the Authority.

Meetings of the Authority by telephone, etc.

9. If a member of the Authority is, by telephone, live television link or any other means, in communication with the other members so that each member participating in the communication can hear or read what is said or communicated by each of the others, each member so participating is deemed to be present at a meeting with the other members so participating; and for the purposes of this paragraph only, Her Majesty's Procureur is a member of the Authority.

Authority free to decide its procedure

10. For the avoidance of doubt, subject to the foregoing provisions of this Schedule, the Authority is free to decide the procedure of its meetings.

SCHEDULE 2

CIVIL PROTECTION

PART I

Emergency services

1. Chief Officer of Police
2. Chief Officer of Customs and Excise
3. Chief Fire Officer
4. Chief Ambulance Officer, the St. John Ambulance & Rescue Service
(Guernsey Ambulance and Rescue Service)

PART II

Health

1. States of Guernsey Health and Social Services Department
2. Medical Officer of Health
3. Chief Pharmacist

Transport

4. Airport Director, Guernsey and Alderney Airports
5. Director of Civil Aviation
6. Harbourmaster
7. Alderney Harbour Officer
8. Sark Harbour Master

Environment

9. States of Guernsey Environment Department
10. Director of Environmental Health and Pollution Regulation

Utilities

11. Guernsey Water

Other States of Guernsey Departments

12. Commerce and Employment Department

13. Culture and Leisure Department

14. Education Department

15. Home Department

16. Housing Department

17. Policy Council

18. Public Services Department

19. Treasury and Resources Department

20. Social Security Department

Other

21. States Works

PART III

Health

1. A person registered as a recognised pharmacist under the Doctors, Dentists and Pharmacists Ordinance, 1987^s
2. A person registered as a recognised medical practitioner under the Doctors, Dentists and Pharmacists Ordinance, 1987
3. Sark medical officer

Utilities

4. A person who holds a licence granted under Part I of the Electricity (Guernsey) Law, 2001^t
5. A person who holds a licence granted under Part I of the Telecommunications (Bailiwick of Guernsey) Law, 2001
6. Director General of Utility Regulation
7. International Energy Group Limited
8. Alderney Electricity Limited

^s Recueil d'Ordonnances Tome XXIV, p. 79; this Ordinance has effect in Alderney subject to the modifications set out in the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 262).

^t Ordres en Conseil Vol. XLI, p. 343; as amended Recueil d'Ordonnances Tome XXVIII, p. 545; Tome XXIX, p. 406.

9. Sark Electricity Company Limited

Transport

10. A person who holds a Guernsey air transport licence within the meaning of the Air Transport Licensing (Guernsey) Law, 1995^u, or an Alderney air transport licence within the meaning of the Air Transport Licensing (Alderney) Law, 1996^v

11. A person licensed as a general pilot within the meaning of the Pilotage (Guernsey) Law, 1966^w

12. A person licensed as a general pilot within the meaning of the Pilotage (Alderney) Law, 1984^x

13. A person who holds a public service omnibus licence granted under the Public Transport Ordinance, 1986^y

14. A person who holds a licence granted by His Excellency the Lieutenant-

^u Ordres en Conseil Vol. XXXVI, p. 370; as amended Recueil d'Ordonnances Tome XXIX, p. 406.

^v Ordres en Conseil Vol. XXXVI, p. 582; as amended by Alderney Ordinance No. II of 1997; Recueil d'Ordonnances Tome XXIX, p. 406.

^w Ordres en Conseil Vol. XX, p. 206; amended by Vol. XXIX, p. 340; Vol. XLI, p. 681.

^x Ordres en Conseil Vol. XXVIII, p. 515; amended by Vol. XXX, p. 172.

^y Recueil d'Ordonnances Tome XXIII, p. 351; as amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 103; Tome XXIV, p. 265; Tome XXV, p. 211; Tome XXVI, p. 152; Tome XXVI, p. 370; Tome XXVIII, p. 414; Tome XXVIII, p. 440; Tome XXIX, p. 406; Tome XXXIII, pp. 38 and 326.

Governor of Guernsey under the Alderney and Sark (Licensing of Vessels) Law, 1951^z to carry cargo and freight in addition to hand luggage

15. Condor Limited
16. Condor Logistics (Guernsey) Limited
17. Ferryspeed (Guernsey) Limited
18. Huelin-Renouf Shipping (Guernsey) Limited
19. Jamesco 750 Limited

Fuel suppliers

20. Fuel Supplies (C.I.) Limited
21. Channel Islands Fuels Limited

Food suppliers and distributors

22. Alliance Limited
23. The Channel Islands' Co-operative Society Limited
24. Creasey's (Franchise) Limited
25. Sandpiper CI Limited

^z Ordres en Conseil Vol. XV, p. 37.

26. Waitrose (Guernsey) Limited

Voluntary Organisations

27. British Red Cross Society (Bailiwick of Guernsey Branch)
28. British Red Cross Society (Sark Branch)
29. Guernsey Civil Protection Volunteers
30. The Guernsey Voluntary Service
31. Bailiwick of Guernsey Group of the Radio Amateurs' Emergency Network (RAYNET)
32. Salvation Army (L'Islet Corps, Guernsey)
33. The St John Ambulance (voluntary)

Alderney and Sark Committees

34. The Policy and Finance Committee of the States of Alderney
35. The Emergency Services Committee of the Chief Pleas of Sark
36. The Public Works Committee of the Chief Pleas of Sark

Other

37. Guernsey Financial Services Commission

SCHEDULE 3

REPEALS AND CONSEQUENTIAL AMENDMENTS

PART I

PARTIAL REPEALS

(1) Enactment

(2) Extent of Repeal

Ordonnance relative à la Santé Publique, 1936^{aa}

Article X

^{aa} Recueil d'Ordonnances Tome VIII, p. 316; as amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome X, p. 35; Tome X, p. 61; Tome XIII, p. 264; Tome XV, p. 239; Tome XV, p. 387; Tome XIX, p. 91; Tome XX, p. 163; Tome XXIII, p. 427; Tome XXVIII, p. 80; Tome XXIX, p. 406; Tome XXXI, p. 618; Ordinance No. XLI of 2010. This Ordinance is applied to the Island of Alderney by Recueil d'Ordonnances Tome IX, p. 280; and to the Islands of Herm and Jethou by Recueil d'Ordonnances Tome XIII, p. 264.

PART II
REPEALS

Laws

Civil Defence (Guernsey) Law, 1952^{bb}

Civil Defence (Additional Powers) (Guernsey) Law, 1962^{cc}

The Emergency Powers (Bailiwick of Guernsey) Law, 1965^{dd}

The Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 1988^{ee}

The Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005^{ff}

Ordinance

The Emergency Powers (Forms of Oath) Ordinance, 2005^{gg}

^{bb} Ordres en Conseil Vol. XV, p. 291.

^{cc} Ordres en Conseil Vol, XIX, p. 18.

^{dd} Ordres en Conseil Vol. XX, p. 6; as amended Ordres en Conseil Vol. XXXI, p. 154; Ordres en Conseil Vol. XLI, p. 452; and Order in Council No. VII of 2005.

^{ee} Ordres en Conseil Vol. XXXI, p. 154.

^{ff} Order in Council No. VII of 2005.

^{gg} Recueil d'Ordonnances Tome XXX, p. 75.

PART III

CONSEQUENTIAL AMENDMENTS

1. In the Reform (Guernsey) Law, 1948^{hh} and the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, for the references to the Emergency Powers Authority (however expressed) substitute references to the Civil Contingencies Authority.

2. In section 3(1)(b) of the Energy (Bailiwick of Guernsey) Law, 1978ⁱⁱ, for the words from "there exists" to and including "threatened emergency", substitute "an emergency within the meaning of section 2 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 is occurring or is about to occur".

3. (1) In the sections listed in subparagraph (2), for the words from "an order" to the end, substitute "emergency regulations made by the Civil Contingencies Authority under section 12(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 remain in force.".

^{hh} Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, p. 84; Vol. XIX, p. 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXVIII, p. 581; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 58 and 164; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, p. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; No. VII of 2005; No. II of 2007; No. XIII of 2008; No. XXII of 2008; No. VII of 2010; Recueil d'Ordonnances Tome XXIX, p. 406 and Tome XXXIII, p. 126.

ⁱⁱ Ordres en Conseil Vol. XXVI, p. 520; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. VII of 2005; Recueil d'Ordonnances Tome XXIX, p. 406.

(2) The sections are section 53(3) of the Registered Patents and Biotechnological Inventions (Bailiwick of Guernsey) Ordinance, 2009^{jj}, paragraph 5(2) of Schedule 2 to the Registered Designs (Bailiwick of Guernsey) Ordinance, 2005^{kk}, and section 34(3) of both the Registered Plant Breeders' Rights (Bailiwick of Guernsey) Ordinance, 2007^{ll} and the Unregistered Design Rights (Bailiwick of Guernsey) Ordinance, 2005^{mm}.

^{jj} Recueil d'Ordonnances Tome XXXIII, p. 344.
^{kk} Recueil d'Ordonnances Tome XXX, p. 724.
^{ll} Recueil d'Ordonnances Tome XXXII, p. 12.
^{mm} Recueil d'Ordonnances Tome XXX, p. 527.

PROJET DE LOI

ENTITLED

The Regulation of Health Professions (Enabling Provisions) (Guernsey) Law, 2012

ARRANGEMENT OF SECTIONS

1. General power to make Ordinances concerning health professions.
2. Specific matters for which Ordinances may make provision.
3. General provisions as to Ordinances, etc.
4. Interpretation.
5. Schedule 2 may be amended by Ordinance.
6. Citation.

Schedule 1: Specific matters for which an Ordinance may be made.

Schedule 2: Examples of health professions.

PROJET DE LOI

ENTITLED

The Regulation of Health Professions (Enabling Provisions) (Guernsey) Law, 2012

THE STATES, in pursuance of their Resolution of the 26th April, 2007^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the islands of Guernsey, Herm and Jethou.

General power to make Ordinances concerning health professions.

1. The States may by Ordinance make such provision as they think fit concerning all or any of the following matters –

- (a) any health profession,
- (b) any person with a prescribed connection to a health profession, and
- (c) any person who purports to practise, or to be qualified to practise, a health profession.

Specific matters for which Ordinances may make provision.

2. Without limiting the generality of section 1, an Ordinance may make provision in relation to all or any of the matters set out in Schedule 1.

^a Article VII of Billet d'État No. XIII of 2007.

General provisions as to Ordinances, etc.

3. (1) An Ordinance under this Law –
 - (a) may be amended or repealed by a subsequent Ordinance, and
 - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).
- (2) Any power to make an Ordinance under this Law may be exercised –
 - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed 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 prescribed conditions.

(3) Without prejudice to the generality of the other provisions of this Law, an Ordinance under this Law –

- (a) may, subject to subsection (4), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences,
- (b) may empower the Department, any other department of the States, any other body or authority (including, without limitation, any court in the Island), or any other person to –
 - (i) make subordinate legislation, or
 - (ii) issue codes or guidance,

in relation to any matter for which an Ordinance may be made under this Law (except an amendment or substitution of Schedule 2 under section 5 of this Law),

- (c) may make provision for the purpose of dealing with

matters arising out of or related to matters set out in section 1,

- (d) may provide that no liability shall be incurred by any person in respect of anything done or omitted to be done in the discharge or purported discharge of any of his functions unless the thing is done or omitted to be done in bad faith,
 - (e) may make provision under the powers conferred by this Law despite the provisions of any enactment for the time being in force,
 - (f) may repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law, and
 - (g) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by *Projet de Loi*, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.
- (4) An Ordinance may not –
- (a) provide for offences to be triable only on indictment,
 - (b) authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on

the Magistrate's Court by section 9(1)(a) or (2) of the Magistrate's Court (Guernsey) Law, 2008^b, or

- (c) authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding two years.

Interpretation.

- 4. (1) In this Law, unless the context requires otherwise –

"**Department**" means the States of Guernsey Health and Social Services Department,

"**enactment**" means any Law, Ordinance, or subordinate legislation,

"**functions**" includes powers and duties,

"**health profession**" –

- (a) means a profession or occupation of any kind or description in the medical or healthcare sector,
- (b) without limiting the generality of paragraph (a), includes a profession or occupation listed in Schedule 2, and

^b Order in Council No. XVIII of 2009; as amended by Ordinance No. XXII of 2009.

- (c) includes any health professional,

"health professional" means –

- (a) any person who practises a profession or occupation referred to in paragraph (a) or (b) of the definition of **"health profession"** in this subsection, or
- (b) any person undergoing practical training to practise any such profession or occupation,

"this Law" includes –

- (a) any Ordinance made under this Law, and
- (b) any subordinate legislation made under any such Ordinance,

"person" includes any body or authority,

"prescribed" means prescribed by or under an Ordinance, and

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) Unless the context requires otherwise, references in this Law to any enactment are references thereto as amended, varied, re-enacted (with or without modification), extended or applied.

(3) Unless the context requires otherwise, the Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Law throughout the islands of Guernsey, Herm and Jethou.

Schedule 2 may be amended by Ordinance.

5. The States may at any time by Ordinance amend or substitute all or any part of Schedule 2.

Citation.

6. This Law may be cited as the Regulation of Health Professions (Enabling Provisions) (Guernsey) Law, 2012.

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

SCHEDULE 1

SPECIFIC MATTERS FOR WHICH AN ORDINANCE MAY BE MADE

Section 2

1. Any form of regulation of, or restriction on, the practise of a health profession, including a prohibition of the practise of the profession unless the person concerned satisfies prescribed requirements or conditions, for example –
 - (a) being employed by or having a prescribed connection with a prescribed person,
 - (b) being registered, licensed, certified or accredited in a prescribed manner,
 - (c) holding a prescribed qualification or being qualified in a prescribed manner, or
 - (d) practising the profession only in premises of a prescribed kind or description or premises that meet prescribed standards or requirements.
2. Establishment, appointment or recognition of any person for the purposes of the regulation of a health profession, including giving the person powers, duties and other functions.
3. Standards or requirements relating to the fitness to practice, or continued fitness to practice (including standards or requirements relating to

qualifications, education and training), a health profession.

4. Standards or requirements relating to conduct (including codes of conduct), ethics or performance in relation to a health profession.
5. Duties, obligations, rights and privileges of or in relation to a health profession.
6. Use of names, titles or descriptions in any way associated with a health profession.
7. Duties and obligations of any employer of, or any person who has a prescribed connection with, health professionals.
8. The levying or imposition of fees or charges in connection with any matter for which an Ordinance may be made under this Law.
9. Any powers considered necessary or expedient for the enforcement or due administration of this Law, including (without limitation) powers of entry, inspection, questioning, search, seizure, forfeiture and disposal, arrest and detention, disclosure of information or requiring the disclosure of information.
10. Appeals in relation to any decision made under this Law.
11. Any other matters necessary or expedient for giving full effect to this Law and for its due administration.

SCHEDULE 2

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Section 4(1)

1. Medical practitioner, dentist or pharmacist (including pharmaceutical chemist, chemist or druggist).
2. Nurse, midwife or health visitor.
3. Arts therapist.
4. Biomedical scientist.
5. Chiropodist or podiatrist.
6. Chiropractor.
7. Clinical dental technician.
8. Clinical scientist.
9. Dental nurse.
10. Dental technician.
11. Dental therapist.
12. Dietitian.
13. Occupational therapist.
14. Operating department practitioner.
15. Orthodontic therapist.
16. Orthoptist.
17. Osteopath.
18. Paramedic.
19. Physiotherapist.
20. Practitioner psychologist.
21. Prosthetist or orthotist.
22. Radiographer.
23. Social worker.
24. Speech and language therapist.

The Animal Welfare (Guernsey) Ordinance, 2012

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The Animal Welfare (Guernsey) Ordinance, 2012

THE STATES, in pursuance of their Resolutions of the 28th February, 2003 and 1st December, 2011^a and in exercise of the powers conferred on them by sections 1 to 3 of the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008^b, and all other powers enabling them in that behalf, hereby order:-

PART I

GENERAL OFFENCES AGAINST ANIMALS

Unnecessary killing, injury, ill-treatment or suffering.

1. (1) A person commits an offence if, subject to Part II -
 - (a) an act of his or a failure of his to act causes, or is likely to cause, an animal to be killed, injured, ill-treated or to suffer,
 - (b) he knew, or ought reasonably to have known, that the act, or failure to act, would cause or be likely to cause an animal to be killed, injured, ill-treated or to suffer or the act or failure to act was reckless,
 - (c) the killing, injury, ill-treatment or suffering is or would be unnecessary, and
 - (d) the act, or failure to act, was carried out or took

^a Article VI of Billet d'État No. III of 2003 and Article XIV of Billet d'État No. XIX of 2011.

place without lawful authority or reasonable excuse.

(2) An owner or occupier of land commits an offence if he knowingly permits another person to commit an offence falling within subsection (1) on that land.

(3) The considerations to which regard is to be had in determining, for the purposes of this Ordinance, whether killing, injury, ill-treatment or suffering is, or would be, unnecessary include -

- (a) whether the same, or the likelihood of the same, could reasonably have been avoided or reduced,
- (b) whether the conduct concerned was, or would be, for a legitimate purpose, for example -
 - (i) the purpose of benefiting the animal, or
 - (ii) the purpose of protecting a person, property or another animal,
- (c) whether the same was, or would be, proportionate to the purpose of the conduct concerned,

^b Order in Council No. XX of 2008.

- (d) whether the conduct concerned was, or would be, in the circumstances that of a reasonably competent and humane person, and
- (e) where there is no express reference to lawful authority in the provision in question, whether the conduct concerned was, or would be, carried out or took place, or would take place, with lawful authority.

Prohibited operations and operations without anaesthetic.

2. (1) A person commits an offence if, subject to subsections (2) and (3), he -

- (a) carries out, or causes or permits to be carried out, any operation set out in Schedule 1 on an animal, or
- (b) carries out, or causes or permits to be carried out, an operation with instruments on the sensitive tissues or bone structure of an animal without using anaesthetic.

(2) Subsection (1)(a) shall not apply to -

- (a) the rendering, in an emergency, of first aid for the purpose of saving life or relieving pain, or
- (b) the carrying out by a recognised veterinary surgeon of an operation where, in his opinion -

- (i) disease or injury is present, and
 - (ii) the proper treatment for the disease or injury is, or includes, the operation.
- (3) Subsection (1)(b) shall not apply to -
 - (a) the making of injections or extractions by means of a hollow needle,
 - (b) the rendering, in an emergency, of first aid for the purpose of saving life or relieving pain,
 - (c) subject to subsections (4) and (5) -
 - (i) any operation carried out by a recognised veterinary surgeon which, by reason of its quickness or painlessness, is customarily performed without the use of an anaesthetic, or
 - (ii) any minor operation which is not, in accordance with good practice, customarily carried out by a recognised veterinary surgeon, and
 - (d) any operation carried out under, and in accordance with the terms and conditions of, a licence.
- (4) Subsection (3)(c) does not include -

- (a) the castration of a male animal, or
 - (b) the dehorning of cattle.
- (5) Subsection (3)(c) includes -
- (a) the disbudding of calves only where carried out by means of chemical cauterization applied within the first week of life, or
 - (b) the docking of lambs' tails by using a rubber ring or other device to constrict the flow of blood to the tail only where the device is applied within the first week of life.
- (6) The Department may by regulations amend Schedule 1.
- (7) In this section a reference to the "**use of an anaesthetic**" means the use of an anaesthetic so administered as to prevent any pain during the operation.

Abandonment.

3. (1) A person commits an offence if without reasonable excuse he abandons, or causes or procures the abandonment of, an animal, whether permanently or otherwise, in circumstances likely to cause it -

- (a) to be killed or injured, or
- (b) to suffer,

unnecessarily.

(2) For the avoidance of doubt, subsection (1) shall not apply where a person releases, or causes or procures the release of, a captive animal back into a wild state -

- (a) after care or treatment for an injury or a disease, and
- (b) where the person has reasonable grounds to believe that the animal is being released into an environment which is suitable for the animal concerned.

(3) Where a person abandons, or causes or procures the abandonment of, an animal on land owned or occupied by another person without the consent of that owner or occupier, he is liable for -

- (a) any damage caused on that land by the animal other than that which was due wholly to the fault of the person suffering it, and
- (b) any reasonable expenses incurred in relation to the capture, housing, re-housing, transportation, treatment, other care or euthanasia of the animal.

Animal fights.

4. (1) A person commits an offence if he -

- (a) keeps, trains or conditions an animal for use in connection with an animal fight,

- (b) causes, or knowingly permits, an animal fight to take place,
- (c) takes part in an animal fight,
- (d) advertises or otherwise promotes an animal fight,
- (e) provides information about an animal fight to another person with the intention of enabling or encouraging attendance at the fight,
- (f) knowingly receives money for admission to an animal fight,
- (g) makes or accepts a bet on the outcome of an animal fight or the likelihood of anything occurring or not occurring in the course of an animal fight, or
- (h) keeps any premises for use for an animal fight.

(2) A person commits an offence if, without lawful authority or reasonable excuse, he -

- (a) possesses any equipment designed, adapted for use or used in connection with animal fighting unless that person can demonstrate that such equipment has not been and will not be used for an animal fight, or
- (b) is present at an animal fight.

(3) A person commits an offence if, without lawful authority or reasonable excuse, he -

- (a) knowingly supplies a video recording of an animal fight,
- (b) knowingly publishes a video recording of an animal fight,
- (c) knowingly shows a video recording of an animal fight to another, or
- (d) possesses a video recording of an animal fight, knowing it to be such a recording, with the intention of supplying it.

(4) Subsection (3) does not apply -

- (a) in the case of paragraph (a), to the supply of a video recording for inclusion in a programme service,
- (b) in the case of paragraph (b) or (c), to the publication or showing of a video recording by means of its inclusion in a programme service, or
- (c) in the case of paragraph (d), by virtue of intention to supply for inclusion in a programme service.

(5) In this section -

"**programme service**" has the meaning in the Communications Act 2003^c, and

"**video recording**" means a recording in any form from which a moving image may by any means be reproduced and includes a video recording within the meaning of section 1(2) of the Video Recordings (Guernsey) Law, 2000^d,

(6) In this section -

(a) references to supplying or publishing a video recording are to supplying or publishing a video recording in any manner, including, in relation to a video recording in the form of data stored electronically, by means of transmitting such data, and

(b) references to showing a video recording are to showing a moving image reproduced from a video recording by any means.

^c An Act of Parliament (2003 c. 21).

^d Ordres en Conseil Vol. XLI, p. 624.

(7) For the avoidance of doubt, nothing in this section shall make unlawful anything done by the Guernsey Police, the Guernsey Border Agency or Her Majesty's forces in the course of carrying out their functions.

Administration of poisons.

5. (1) A person commits an offence if -

(a) he administers to, or causes to be taken by, an animal-

(i) a prohibited poison, or

(ii) a restricted poison, other than in accordance with any restrictions attached to its use, or

(b) without lawful authority or reasonable excuse, he administers to, or causes to be taken by, an animal -

(i) a restricted poison, in accordance with all restrictions attached to its use, or

(ii) a poison other than a restricted or prohibited poison.

(2) Where the Department is satisfied that a poison cannot be administered to an animal without causing undue suffering and that other suitable and practicable methods exist, for the specific purpose for which the poison is being administered, which would not give rise to the same, it may by Order -

(a) prohibit the use of that poison, or

- (b) restrict the use of that poison in relation to animals in any specified circumstances by way of conditions or otherwise.

- (3) In this section -

"**prohibited poison**" means a poison the use of which is prohibited by Order under subsection (2)(a), and

"**restricted poison**" means a poison the use of which is restricted by Order under subsection (2)(b),

and related expressions shall be construed accordingly.

Lawful poisoning or trapping etc. - measures to prevent injury of other animals.

6. (1) A person who, with lawful authority or reasonable excuse, administers a poison to an animal commits an offence if he fails to take all reasonable measures to prevent access to the poison by any other animal.

(2) A person who, with lawful authority or reasonable excuse, uses a trap or other equipment or device to kill, injure, stun, stupefy or capture an animal commits an offence if he fails to -

- (a) inspect such a trap, equipment or device at least once in every 24 hours between sunrise and sunset, and
- (b) at the same time remove any animals found in the trap, equipment or device.

(3) The offences in subsections (1) and (2) are without prejudice to any provisions of an Order or licence or other consent (however named) made or issued under the Law or any other enactment requiring -

- (a) specific measures to be taken to prevent access to poison by other animals, or
- (b) inspections of traps, equipment or other devices to be carried out at shorter intervals.

Offences against wild animals.

7. (1) A person commits an offence if, subject to Part II -

- (a) an act of his causes -
 - (i) a wild animal to be taken from the wild,
 - (ii) the taking, destruction, damage, or disturbance of a nest or eggs, roost, burrow or den of a wild animal,
 - (iii) the disturbance of a wild animal that is rearing young, or
 - (iv) the disturbance of any dependent young of a wild animal,
- (b) he knew, or ought reasonably to have known, that the act would cause the effect in question or the act was

reckless, and

- (c) the act was carried out or occurred without lawful authority or reasonable excuse.

(2) A person commits an offence if, without lawful authority or reasonable excuse, he disturbs or harasses any wild animal with the intention of causing it distress or driving it away from a place in which it lives or which it habitually uses.

(3) A person commits an offence if he knowingly permits another person to commit an offence falling within subsection (1) or (2).

Duty of care to animals.

8. (1) The owner or keeper of an animal owes a duty of care to that animal to take such care as, in all the circumstances, is reasonable to see that the animal is free -

- (a) from thirst, hunger and malnutrition,
- (b) from discomfort,
- (c) from pain, injury and disease,
- (d) from fear and distress, and
- (e) to express normal behaviour patterns.

(2) The duty of care under subsection (1) includes providing the animal with -

- (a) a supply of fresh drinking water and food of sufficient quantity and quality to keep the animal in good health,
- (b) where appropriate, suitable shelter which is sufficient to maintain the animal in good health and such shelter must include -
 - (i) access from the shelter to water and food,
 - (ii) sufficient space for the animal to lie down or otherwise rest in comfort, and
 - (iii) where appropriate, adequate light, heat and ventilation,
- (c) protection from injury, disease or unnecessary suffering including, where appropriate, providing timely and appropriate medical diagnosis and treatment where necessary by a recognised veterinary surgeon, and
- (d) the opportunity to express normal behaviour patterns and living conditions which are conducive to it maintaining those normal behaviour patterns.

(3) In determining what care is reasonable in all the circumstances for the purposes of subsection (1), the owner or keeper of an animal shall have particular regard to -

- (a) good practice for the care of the animal in question,
- (b) any lawful purpose for which the animal is kept,
- (c) any lawful activity carried on in relation to the animal,
- (d) the physical activity undertaken by the animal,
- (e) seasonal climatic conditions,
- (f) the life-stage of the animal, and
- (g) any special or additional dietary and nutritional requirements that may arise -
 - (i) where the animal is pregnant, brooding or rearing young, and
 - (ii) from the general state of health of the animal.

(4) In this section, "**normal behaviour patterns**" means normal behaviour patterns for a domestic animal or a captive animal, as the case may be, of the kind concerned.

(5) A person commits an offence if, without reasonable excuse, he contravenes the duty of care in subsection (1).

PART II
EXCEPTIONS FROM OFFENCES IN PART I

Farming, arboriculture, building works, fishing etc.

9. (1) Sections 1 and 7 do not apply to anything done, or omitted to be done, in the circumstances set out in subsection (2).

(2) The circumstances referred to in subsection (1) are that a person accidentally -

- (a) causes, or is likely to cause, an animal to be killed, injured or to suffer,
- (b) causes an animal to be taken from the wild, or
- (c) causes any taking, destruction, damage or disturbance referred to in section 7(1)(a),

during the ordinary course of any activity referred to in subsection (3) and using the techniques, methods and equipment referred to in subsection (4) provided that all reasonable precautions are taken to prevent any such killing, injury, suffering, taking from the wild, taking, destruction, damage or disturbance.

(3) The activities referred to in subsection (2) are farming, arboricultural or forestry activities or carrying out any building work within the

meaning of the Building Regulations, 1992^e.

(4) The techniques, methods and equipment referred to in subsection (2) are those that are accepted and in common use for the activity in question.

(5) Nothing in Part I applies to anything which occurs in the normal course of fishing.

Deliberate slaughter, killing, hunting or euthanasia of animals.

10. (1) Sections 1 and 7 do not apply to anything done, or omitted to be done, in connection with -

- (a) the slaughter or killing of any animal prescribed as food for mankind or as an animal product,
- (b) the hunting, capture or killing of any animal prescribed as a game animal ("**game animal**"),
- (c) the euthanasia of any animal owing to illness, injury, infirmity or age,
- (d) the euthanasia of any livestock or other animal prescribed for the purposes of this paragraph which-
 - (i) is a new born animal which is surplus to

^e G.S.I. No. 27 of 1992 as amended by G.S.I. No. 39 of 2006, G.S.I. No. 8 of 2008 and G.S.I. No. 88 of 2008.

requirements, or

(ii) is at the end of its economic life, or

(e) the taking from the wild, capture, control or killing of any animal which is dangerous, of a dangerous species, aggressive or representing a significant risk to any person, any other animal or to property,

provided that the same are carried out in accordance with any applicable requirements of an Order made under subsection (2) or (3).

(2) The Department shall by Order prescribe the methods or techniques, equipment or devices which may be used in any of the circumstances set out in subsection (1).

(3) The Department may by Order prescribe such requirements or conditions as it considers necessary or expedient in relation to the slaughter, killing, hunting, euthanasia, taking from the wild, capture or control of any animal falling within subsection (1) in the circumstances set out in that subsection including those relating to -

- (a) the welfare of such animals,
- (b) the training, qualifications, experience, competences, licensing, authorisation or approval of persons carrying out the same,
- (c) close seasons during which specified restrictions or conditions may apply to -

- (i) the capture, taking from the wild or killing of a game animal, and
- (ii) the possession or sale of the carcase of a game animal, and
- (d) the locations from or at which any animal may be taken from the wild or killed.

(4) A person commits an offence if he contravenes any requirement of an Order made under this section.

(5) In this section -

"a dangerous species" is a species -

- (a) which is not commonly domesticated in the British Islands, and
- (b) whose fully grown animals normally have such characteristics that -
 - (i) they are likely, unless restrained, to cause severe damage, or
 - (ii) any damage they may cause is likely to be severe, and

"game animal": see subsection (1)(b).

Killing or taking etc. of injured, ill or diseased animals etc.

11. (1) Sections 1 and 7 do not apply to anything done, or omitted to be done, in connection with the deliberate killing by any person of an animal which is severely injured, ill or diseased -

- (a) in any of the circumstances set out in subsection (2), and
- (b) provided that the killing is carried out using the most humane methods available in the circumstances and so as not to cause unnecessary suffering.

(2) The circumstances referred to in subsection (1) are that -

- (a) the animal is so severely injured, ill or diseased that it is unlikely to respond to veterinary treatment or survive transport to a place where it can receive such treatment, and
- (b) the animal cannot be -
 - (i) given veterinary treatment, or
 - (ii) euthanised (in the case of livestock or horses)-
 - (A) by a recognised veterinary surgeon or a licensed slaughterman, or

- (B) at premises operated for, or on behalf of, the States for the slaughter of animals,

within a reasonable period of time having regard to the degree of suffering of the animal.

(3) Sections 1 and 7 do not apply to anything done, or omitted to be done, in connection with the deliberate taking from the wild, confining and keeping in captivity of a wild animal by any person in any of the circumstances set out in subsection (4).

(4) The circumstances referred to in subsection (3) are that -

(a) the animal is a young wild animal and -

- (i) it reasonably appears to the person taking the animal from the wild that the animal's parents are dead, or have abandoned it, and that the animal is of an age where it cannot survive on its own,
- (ii) the animal is taken from the wild to convey it to a place where it can be cared for or treated by a person with appropriate expertise, and
- (iii) the person taking the animal intends that it will be, following any necessary care or treatment -

- (A) released back into the wild, or
 - (B) transferred to an animal sanctuary or released into the wild, or
- (b) it reasonably appears to the person taking the animal from the wild that it is -
- (i) ill, injured or covered in oil, or
 - (ii) affected by another substance which presents a significant risk to its health or prevents it from exhibiting normal behaviour patterns,

and the animal is taken to convey it to a place for examination and, if necessary, to receive first aid or veterinary or other treatment by a recognised veterinary surgeon or other person with appropriate expertise.

(5) Nothing under the Law shall be construed as making unlawful anything done, or omitted to be done, in compliance with -

- (a) the Animal Health Ordinance, 1996^f,
- (b) the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance,

^f Recueil d'Ordonnances Tome XXVII, p. 10 as amended by Tome XXIX, p. 397, Tome XXXI pp. 260 and 567 and by G. S. I. No. 56 of 2002.

2006^g,

- (c) the Control of Birds Ordinance, 1985^h, or
- (d) any other enactment or European Union legislation relating to the prevention of the spread of diseases in animals.

(6) In this section "**animal sanctuary**" means premises at which activities falling within paragraph 1 of Schedule 2 are carried out under a licence issued by the Department under section 26.

Taking of wild animals for use in schools etc.

12. Section 7 does not apply to anything done, or omitted to be done, by a school or college of further education in Guernsey, in connection with the taking of an animal from the wild for the purpose of studying that animal as part of the normal curriculum of that school or college.

PART III

PROMOTION OF WELFARE

Welfare codes and guidance.

13. (1) The Department may -
- (a) prepare codes for the purpose of -

^g Recueil d'Ordonnances Tome XXXI, p. 567 as amended by Order in Council No. XIII of 2010.

^h Recueil d'Ordonnances Tome XXIII, p. 258 as amended by Recueil d'Ordonnances Tome XXXI, p. 260.

(i) providing such recommendations for the welfare of any animal as it considers appropriate, and

(ii) providing practical guidance in respect of any provision made under the Law, and

(b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as it thinks fit.

(2) The Department may bring a code, or revision to a code, made under subsection (1) into operation by Order and such an Order may contain such transitional provisions or savings as appear to it to be necessary or expedient in connection with the code or revision brought into operation.

(3) The Department shall publish a code, or any revision to a code, in such manner as it considers appropriate.

(4) A person's failure to comply with a provision of a code issued under this section shall not of itself render him liable to proceedings of any kind.

(5) In any proceedings against a person for an offence under the Law -

(a) failure to comply with a relevant provision of a code issued under this section may be relied upon as tending to establish liability, and

- (b) compliance with a relevant provision of such a code may be relied upon as tending to negative liability.

(6) The Department may, with a view to securing the welfare of animals, issue guidance on such matters as it considers appropriate.

PART IV

LICENSING OF CONTROL, KILLING, TAKING ETC. OF ANIMALS

Control of pest animals

Control of pest animals.

14. (1) The Department may by Order designate an animal as a pest animal where it considers it necessary or expedient to eradicate or limit the population of that animal.

(2) Where an animal is designated under subsection (1) the Department shall by Order make provision as to -

- (a) the control measures which may be used to control that animal,
- (b) the persons who may carry out such measures having regard to their competence or qualifications to do so, and
- (c) the times at which, and periods within which, any control measures may be taken.

(3) The Department may by Order prescribe such other

requirements in relation to the carrying out of control measures on an animal designated as a pest animal as it may consider necessary or expedient.

(4) A person commits an offence if he contravenes any requirement of an Order made under this section.

Control of non-pest animals

Control of non-pest animals.

15. (1) The Department may authorise the owner or occupier of land by licence to carry out control measures on that land to control an animal, which is not a pest animal designated under section 14(1), where the Department is satisfied that any such measures are necessary or expedient for any of the purposes in subsection (2).

(2) The purposes referred to in subsection (1) are -

- (a) to protect public health, public hygiene or public safety,
- (b) to protect or preserve the amenity of a particular locality,
- (c) to prevent damage to, or contamination of, any land or other property,
- (d) to prevent significant damage to, or loss of, commercial crops,
- (e) to prevent significant damage to the environment, or

- (f) to limit the population of the animal -
 - (i) to improve the welfare of such animal or any other species or sub-species of animal,
 - (ii) where the environment cannot sustain the current population of that animal, or
 - (iii) where the population of the animal is a significant threat to the survival of another species or sub-species of animal.

Application for a licence.

16. (1) In addition to any information the Department may reasonably require under section 41(1), an application for a licence under section 15 must be accompanied by -

- (a) a statement in writing signed by the applicant that he is the owner or occupier of the land, as the case may be,
- (b) where the applicant is not the owner of the land -
 - (i) proof in writing, by means of a copy lease or otherwise, that he does not need the consent in writing of the owner or any other person -
 - (A) to carry out the proposed control measures on the land, or

- (B) to allow a person to enter onto the land before such control measures are carried out to retrieve an animal subject to such measures, or
- (ii) subject to subsections (2) and (3), the written consent of the owner or other person to such entry or measures as the case may be.

(2) Where the applicant has made all reasonable enquiries to identify the owner of the land, or other person whose consent he requires under subsection (1), but has not been able to do so, the application may instead be accompanied by a statement in writing to that effect signed by the applicant.

(3) The Department may, in exceptional circumstances, waive the requirement for an application to be accompanied by the written consent required under subsection (1) where it considers that it is appropriate to do so.

Pre-condition to issue of licence.

17. The Department must not issue a licence under section 15 unless it is satisfied -

- (a) that adequate arrangements have been made to allow any owners or keepers of animals to be subject to the control measures a reasonable opportunity to enter the land to retrieve an animal owned by them in advance of the date when control measures may commence, and

- (b) that the person who is to carry out the control measures is qualified or competent to do so.

Licence terms and conditions.

18. In addition to the matters set out in section 42(4), a licence issued under section 15 must specify, by way of condition or otherwise -

- (a) the control measures that are to be carried out and the manner in which they are to be carried out,
- (b) the period during which the control measures can be carried out, including the date and time at which such period commences and expires,
- (c) where it is a person other than the licensee, the name and address, or job title or other position, of the person carrying out the control measures on behalf of the licensee,
- (d) either numerically or by reference to a proportion of the animals found to be present, the maximum number of animals that may be subjected to the control measures, and
- (e) the manner in which any carcasses, eggs or nests must be disposed of.

Publicity for proposed control measures.

19. Where the Department issues a licence under section 15 it must publish a notice in La Gazette Officielle, or in such other manner as the Department

thinks fit, on at least two occasions between the twenty-first and the seventh working day immediately preceding the first date on which the control measures may be taken under the licence, setting out -

- (a) the land on which the control measures are to be carried out,
- (b) the control measures that are to be carried out,
- (c) the animals to be subject to the control measures,
- (d) either numerically or by reference to a proportion of the animals found to be present, the maximum number of animals that may be subjected to the control measures,
- (e) the period during which the control measures can be carried out, including the date and time at which such period commences and expires,
- (f) that the owner or keeper of an animal who desires to avoid that animal being subject to the control measures, must remove it from the land before the date and time that the period for carrying out the control measures commences, and
- (g) if the land is not a place to which the public normally have access, the arrangements by which owners or keepers of animals may be afforded access to the land for the purpose of removing animals owned or kept

by them.

Control of animals at an airport or a public waste disposal site

Control of animals at an airport or a public waste disposal site.

20. (1) The Department may authorise a person by licence to carry out control measures -

- (a) within the boundaries of an airport to control birds congregating within the boundaries of, or in flight over, that airport where it is satisfied such control is necessary or expedient for the safe navigation of aircraft, or
- (b) within the boundaries of a public waste disposal site to control animals present within the boundaries of that site where it is satisfied that it is necessary or expedient to protect public health, public hygiene or public safety.

(2) In addition to the matters specified in section 42(4), a licence issued under this section must specify by way of condition or otherwise -

- (a) the control measures that are to be carried out and the manner in which they must be carried out, and
- (b) the name and address, or job title or other position, of the person carrying out the control measures.

(3) In this section "**public waste disposal site**" has the meaning

in section 31(3) of the Environmental Pollution (Guernsey) Law, 2004ⁱ.

Meaning of control measures

Control measures.

21. In this Part "**control measures**" include -

- (a) euthanasia,
- (b) the disturbance, removal, destruction or disposal of nests and eggs,
- (c) the disturbance or destruction of dens or burrows,
- (d) trapping and relocation,
- (e) veterinary procedures or the use of veterinary medicinal products, medicated feeding stuff or other drugs, products or substances to prevent reproduction,
- (f) the removal and disposal of carcases, eggs or nests following euthanasia or destruction, and
- (g) the methods, techniques, equipment or devices which may be used in carrying out any of the above,

ⁱ Order in Council No. XIII of 2004 as amended by Ordinance No. XVIII of 2010.

but does not include the use of any poison contrary to any relevant prohibitions or restrictions on the use of poisons made by Order under section 5.

Taking etc. of wild animals

Taking etc. of wild animals for educational, scientific, research or conservation etc. purposes.

22. (1) The Department may authorise a person by licence to carry out any of the following activities -

- (a) to seize or take a wild animal for any of the purposes in subsection (3),
- (b) in exceptional circumstances -
 - (i) to kill and take a wild animal, or
 - (ii) to take and keep the eggs or nests of wild birds,
- (c) to disturb a nest, egg, den, burrow or roost of a wild animal, or
- (d) to carry out such other activities as it considers appropriate in relation to a wild animal,

where it is satisfied that such activity is justifiable because of any of the benefits or interests referred to in subsection (2).

- (2) The benefits and interests referred to in subsection (1) are -
 - (a) educational, conservation, scientific or research benefits, or
 - (b) the interests of the health, viability or conservation of wild animals.
- (3) The purposes referred to in subsection (1)(a) are -
 - (a) the marking, ringing, tagging, tattooing or micro-chipping of an animal, to enable an animal to be identified, using the least painful methods accepted in accordance with good practice,
 - (b) the implantation of a device into an animal to track its movements or transmit other information about it using the least painful methods accepted in accordance with good practice,
 - (c) the reading, replacing or removing of a mark, ring, tag, tattoo, micro-chip or other device referred to in paragraph (a) or (b),
 - (d) the supplying of zoological gardens, herpetaria, aquaria or public museums, or
 - (e) the study or examination of an animal in the wild or where it is to be returned to the wild.

(4) In addition to the matters set out in section 42(4), a licence issued under this section must specify, by way of condition or otherwise -

- (a) the activities authorised by the licence,
- (b) the person who may carry out such activities, and
- (c) the manner and methods which may be used to carry out such activities.

PART V

SEIZURE AND DETENTION OF STRAY ANIMALS

Seizure and detention of stray animals.

23. (1) Where an Authorised Person has reasonable grounds for believing that an animal found in a public place or on any other premises is a stray, he may -

- (a) seize and detain the animal, but, where he finds it on premises which are not in a public place, only with the consent of the owner or occupier of the premises, and
- (b) keep it detained until the owner or keeper of the animal has claimed it and paid all expenses reasonably incurred in so detaining and caring for it under this section.

(2) Where an animal is seized and detained under subsection (1) an Authorised Person must -

- (a) ensure that such an animal is properly cared for whilst it is detained, and
 - (b) notify the following persons of the matters set out in subsection (3) -
 - (i) any person whose name and address is inscribed, or otherwise legibly or recognisably recorded or marked, on any collar, mark, ring, tag, tattoo, micro-chip or other means of identification attached to, or marked on, the animal, and
 - (ii) any other person who is known, or reasonably suspected, by the Authorised Person to be the owner or keeper of the animal.
- (3) The matters referred to in subsection (2)(b) are that -
- (a) the animal has been seized and detained,
 - (b) the animal will be liable to be sold, otherwise disposed of or euthanised within 21 days of the date of the service of the notice unless the owner or keeper claims the animal and, subject to subsection (4), pays all expenses reasonably incurred in detaining and caring for it under this section.
- (4) An Authorised Person may waive the requirement for

payment of all expenses reasonably incurred in detaining and caring for the animal before it is released to the owner or keeper if he considers that there are special circumstances to justify an immediate release of the animal before such expenses are paid.

(5) Where any animal seized under this section has been detained-

(a) where there is no person who must be notified under subsection (2)(b), for 21 days starting from the date of the seizure, or

(b) where a person must be notified under subsection (2)(b), for 21 days starting from the date of the service of the notice,

and the owner or keeper has not claimed the animal and paid the expenses due under subsection (3), an Authorised Person may sell, otherwise dispose of or euthanise the animal.

(6) No animal may be sold, or otherwise disposed of under subsection (5) for use in an animal experiment activity.

(7) Notwithstanding anything in this section, an Authorised Person may arrange for an animal detained under this section to be euthanised before the expiration of the relevant period in subsection (5) where a recognised veterinary surgeon is of the opinion that it is in the interests of the animal that euthanasia is not delayed.

(8) Where an animal is released to the owner or keeper before all expenses reasonably incurred in detaining and caring for the animal under this

section are paid the balance of any such sums owing may be recovered from the owner or keeper by the States as a civil debt.

(9) Where an animal -

(a) is sold or otherwise disposed of under subsection (5)-

(i) the proceeds of such sale or disposal may be used to discharge the cost of any expenses reasonably incurred under this section in detaining and caring for the animal, and

(ii) any balance -

(A) must be paid to the person who can establish, within 6 months of the date of sale or disposal, that he was the owner of the animal immediately prior to such sale or disposal, or

(B) where no person establishes he was the owner within the 6 month period under sub-paragraph (A), may be retained by the Department and applied in such manner as it thinks fit, or

(b) is euthanised under subsection (5) or (7), any reasonable expenses incurred in such euthanasia may be recovered from the owner or keeper by the States

as a civil debt.

(10) Where an animal is sold or otherwise disposed of under subsection (5) to a person acting in good faith, the ownership of the animal shall be vested in the recipient.

Register of stray animals.

24. (1) The Department shall prepare and maintain a register of -

(a) all stray animals seized and detained under section 23 and the register must contain in relation to each animal -

(i) a brief description of the animal and of any collar, mark, ring, tag, tattoo, micro-chip or other means of identification attached to, or marked on, the animal,

(ii) the date, time and place of the animal's seizure and detention,

(iii) where a notification has been served under section 23(2)(b) -

(A) the date of service of the notification,
and

(B) the name and address of the person
on whom it was served,

- (iv) where an animal is released to a person claiming to be its owner or keeper, the name and address of that person and the date of the release, and
 - (v) where an animal is sold, otherwise disposed of or euthanised, brief particulars of such sale, other disposal or euthanasia of the animal, and
- (b) all stray animals which finders are allowed to keep under section 25(4) and the register must contain in relation to each such animal -
 - (i) a brief description of the animal and of any collar, mark, ring, tag, tattoo, micro-chip or other means of identification attached to, or marked on, the animal,
 - (ii) the date, time and place the animal was found, and
 - (iii) the name and address of the finder.

(2) The register must be kept at the principal office of the Department, made available for inspection by the public free of charge at all reasonable times and the Department must provide copies of any document or other information on the register to any person upon written request and payment of a reasonable fee.

(3) The register may be prepared and maintained in electronic

form.

(4) Any particulars on the registers kept under section 1(8) and 1(9) of the Stray Dogs Ordinance, 1941^j as at the date this Part comes into force, relating to dogs seized and detained in the 5 years immediately preceding that date, shall be transferred on that date to the register required to be prepared and maintained under this section and shall form part of that register.

(5) Where there are separate details on both of the registers kept under the 1941 Ordinance referred to in subsection (4) relating to the same dog, such details may be amalgamated before being transferred to the new register under this section.

(6) The details referred to in subsection (1) must be kept on the register for not less than 5 years beginning with the date they are entered on the register.

Duties of finders of stray animals.

25. (1) Any person other than an Authorised Person ("**a finder**") may seize and detain a stray animal provided that he complies with the conditions in subsection (2).

(2) The conditions referred to in subsection (1) are that -

(a) the seizure and detention is carried out using the most humane methods available in the circumstances and

^j Recueil d'Ordonnances Tome IX, p. 144 as amended by Recueil d'Ordonnances Tome X, p. 315, Tome XXI, p. 286, Tome XXIV, p. 505 and Tome XXV, p. 144.

so as not to cause unnecessary suffering,

(b) the finder takes all reasonable measures to return the animal to -

(i) the person whose name and address is inscribed or otherwise legibly or recognisably recorded or marked on any collar, mark, ring, tag, tattoo, micro-chip or other means of identification attached to, or marked on, the animal, or

(ii) such other person who is known, or reasonably suspected, by the finder to be the owner or keeper of the animal, or

(c) where no person falls within paragraph (b) or such person cannot after reasonable enquiry be found or refuses to take the animal, the finder takes the animal to an Authorised Person and, if required, allows the Authorised Person to take possession of the animal.

(3) Where an animal has been taken under subsection (2)(c) to an Authorised Person -

(a) if the finder wishes to keep the animal, he shall inform the Authorised Person of this fact and of his name and address, and

(b) if the finder does not wish to keep the animal, the

Authorised Person shall, unless he has reasonable grounds to believe it is not a stray, treat it as if it had been seized and detained by him under section 23 on the date it was taken to him by the finder and sections 23(2) to (10) and 24 shall apply to such an animal accordingly.

(4) If a finder of an animal whose owner or keeper is unknown wishes to keep the animal, an Authorised Person may, in his absolute discretion and subject to subsection (5), allow the finder to keep it but without prejudice to the right of the owner to reclaim the animal within six months of the date the animal was found.

(5) Before a finder is allowed to remove an animal the Authorised Person must -

- (a) complete the details required to be contained on the register under section 24(1)(b),
- (b) make all such enquiries as he considers appropriate in the circumstances of the case to ascertain that the finder is a fit and proper person to keep the animal and that he is able to feed and care for it.

(6) For the avoidance of doubt, where a finder keeps a stray dog under subsection (4), he shall be the person who keeps the dog for the purposes of

the Dog Licences (Guernsey) Law, 1969^k.

(7) Where a finder keeps an animal for a period of 6 months starting from the date it was found and the owner has not reclaimed it within that period, the finder shall become the owner of the animal.

(8) A finder commits an offence if he fails, without reasonable excuse, to comply with subsection (2).

PART VI

REGULATION OF ACTIVITIES INVOLVING ANIMALS

Licensing of certain activities involving animals

Offence of carrying on activities set out in Schedule 2 without a licence.

26. (1) It is an offence for a person to carry on an activity set out in Schedule 2 except under and in accordance with the terms and conditions of a licence issued by the Department under this section.

(2) Subsection (1) does not apply to an activity set out in Schedule 2 which is also an animal experiment activity.

(3) The Department may by regulations amend Schedule 2.

^k Ordres en Conseil Vol. XXII, p. 296 as amended by Ordres en Conseil Vol. XXVIII, p.50 and by Order in Council No. XXVIII of 2003. The rate of dog tax is specified by Ordinance, the current one being Recueil d'Ordonnances, Tome XXV, p.155.

Determination of application.

27. Without prejudice to the generality of section 42(1)(b), in determining an application in relation to a licence under this Part the Department may have regard to -

- (a) the training, knowledge, experience, qualifications or competence of the persons -
 - (i) managing or carrying on the activity, or
 - (ii) in charge of, or otherwise working with, the animals,
- (b) the suitability and adequacy of the premises, facilities and equipment to be used in connection with the care, keeping and transport of the animals, and
- (c) such other matters as it considers appropriate.

Licence conditions.

28. Without prejudice to the generality of section 43, a licence issued under this Part may include conditions in relation to -

- (a) the animals in relation to which the licensed activities are to be carried out,
- (b) the standard and adequacy of -
 - (i) any premises to be used in relation to the

licensed activities,

- (ii) any equipment, facilities or utilities to be provided at those premises,
- (c) the training, knowledge, experience, qualifications or competence of persons responsible for, in charge of, or otherwise working with, the animals,
- (d) ensuring the proper care and welfare of the animals, in relation to which licensed activities are to be carried out, in accordance with good practice,
- (e) ensuring that there is adequate procedural and other provision to deal with foreseeable emergencies, and
- (f) ensuring the good management of the licensed activities including requiring -
 - (i) appropriate provision for adequate insurance against foreseeable risks arising in relation to the licensed activities,
 - (ii) adequate measures for disease control, and
 - (iii) adequate record keeping relating to the animals in relation to which the licensed activities are carried on.

Regulation of other activities involving animals

Regulation of shows, exhibitions, competitions etc.

29. (1) This section does not apply in relation to the showing or exhibition of an animal in the course of, or in connection with, an activity falling within Schedule 2.

(2) A person who organises a show or competition, to which the public have access, with or without charge, commits an offence if, in the circumstances set out in subsection (3), he fails, without reasonable excuse, to -

- (a) appoint a person to be responsible for the welfare of an animal during the entire time that the animal is at the show or competition ("**appointed person**"),
- (b) notify the Department of the name and address of the appointed person not less than 7 working days prior to the commencement of the show or competition, or
- (c) display at the place where the animal is kept at the show, and in such a manner that it is readily legible by the public, the name and a telephone number of the appointed person or other contact details through which the appointed person may be contacted promptly.

(3) The circumstances referred to in subsection (2) are that -

- (a) the animal is to be confined in a cage, a pen or in any other way, for the purposes of display or exhibition

at that show or competition, and

- (b) the organiser of the show or competition is not satisfied that the animal will be adequately supervised by the owner or keeper of the animal or by a person authorised by the owner or keeper of the animal to do the same,

and in considering whether there is such adequate supervision the organiser must consider whether the arrangements are such as to ensure that the requirements set out in paragraphs (a) and (b) of subsection (4) will be met during the time that the animal is at the show or competition.

(4) An appointed person commits an offence if he fails, without reasonable excuse, to ensure any of the following, during the time that the animal is at the show or competition -

- (a) the animal -
 - (i) has an adequate supply of fresh water and, where appropriate, bedding,
 - (ii) is not exposed to extremes of temperature,
 - (iii) is kept so that it is secure from escape and, if kept overnight, is kept in a secure place,
 - (iv) is not pestered or tormented, or
- (b) the owner or keeper of the animal is informed

immediately in the event of the animal dying, falling ill, being injured or giving birth.

(5) For the avoidance of doubt, the duty of care of the owner or keeper of an animal under section 8, shall not be contravened where an animal is confined in a cage, a pen or in any other way, for the purposes of display or exhibition at a show or competition providing that -

(a) it is not so confined for a period exceeding 60 hours, and

(b) the form of confinement -

(i) allows the animal sufficient space to stand in a normal position, lie down, turn around and reach food and water, and

(ii) provides adequate ventilation.

(6) A person commits an offence if he knowingly causes or knowingly permits an animal to be entered into a show or competition where the animal falls within any of the descriptions in subsection (7).

(7) The descriptions referred to in subsection (6) are that the animal -

(a) is ill or injured,

(b) is likely to give birth to young animals -

- (i) at any time within a period of 72 hours before the start of the show or competition, or
- (ii) during the time it is to be displayed at the show or competition, or,
- (c) has given birth to young animals within 72 hours before the animal is to arrive at the show or competition.

(8) The owner or keeper of an animal commits an offence if he fails, without reasonable excuse, to remove an animal, which is being displayed at the show or competition, promptly from a show or competition in any of the circumstances set out in subsection (9).

(9) The circumstances referred to in subsection (8) are that the animal falls ill, is injured or gives birth to young animals and -

- (a) the owner or keeper of the animal, or a person authorised by him for that purpose, is supervising the animal, or
- (b) an appointed person has informed the owner or keeper of the animal promptly of the same.

(10) In this section "**a show or competition**" includes an agricultural or community show, a dog or cat show or other event in which an animal performs or is displayed for the entertainment or interest of the public.

PART VII
LICENSING OF ANIMAL EXPERIMENTS ETC.

Animal experiments.

30. (1) An "**animal experiment**" is, subject to the following provisions of this section -

- (a) an experimental or other scientific procedure involving the use of an animal which may cause the animal suffering or lasting harm,
- (b) any course of action intended or liable to result in the birth or hatching of an animal which may be, at birth or at any later stage in its development, suffering or caused lasting harm, or
- (c) any other experimental or other scientific procedure which is prescribed by Order of the Department.

(2) In determining whether a procedure may have the effects mentioned in subsection (1) the use of an anaesthetic or analgesic, and any procedure for rendering the animal insentient, are to be disregarded; and any of those things done to an animal for the purposes of an animal experiment is itself an animal experiment.

(3) Killing an animal is an animal experiment only if -

- (a) it is killed for experimental or other scientific use,
- (b) the place where it is killed is an establishment falling

within section 31(1)(c) , and

- (c) the method, technique, equipment or device employed is not prescribed, in relation to the euthanasia or killing of the animal in question, under section 10(2).
- (4) Nothing in this Part applies to -
- (a) the marking, ringing, tagging, tattooing or micro-chipping of an animal or the application of any other humane procedure, for the purpose of enabling an animal to be identified, using the least painful methods accepted in accordance with good practice,
 - (b) the implantation of a device into an animal to track its movements or transmit other information about it, for the purpose of scientific research, using the least painful methods accepted in accordance with good practice,
 - (c) for the avoidance of doubt, any non-experimental, recognised agricultural, fishing, veterinary or animal husbandry practice, or
 - (d) the administration of any substance or article by way of medicinal test on animals as defined in section 85(6) of the Medicines (Human and Veterinary)

(Bailiwick of Guernsey) Law, 2008¹ where the substance or article is administered in accordance with section 85(4) of that Law.

Offence in relation to use etc. of animals in experiments.

31. (1) A person commits an offence if he -
- (a) uses an animal in an animal experiment,
 - (b) keeps, breeds, imports, exports, sells or otherwise disposes of an animal for use in an animal experiment, or
 - (c) operates an establishment used for any of the purposes set out in paragraph (a) or (b),

except under and in accordance with the terms and conditions of a licence issued by the Department under this section.

(2) A person commits an offence if he causes or permits the commission of an offence under subsection (1).

(3) Without prejudice to the generality of section 42(1)(b), in determining an application in relation to a licence under this Part the Department may have regard to -

¹ Order in Council No. V of 2009 as amended by Ordinance No. XXIV of 2009

- (a) the adequacy, having regard to good practice, of the training, knowledge, experience, qualifications and level of competence of the persons carrying on, or responsible for -
 - (i) animal experiments or the care of animals to be used for the same, and
 - (ii) any animal experiment activity and the care of animals in relation to which any such activity is carried on, and
- (b) the suitability and adequacy of the premises, facilities and equipment to be used in connection with -
 - (i) the carrying out of animal experiments and the care of animals to be used for the same, and
 - (ii) any animal experiment activity and the care of animals in relation to which any such activity is carried on.

Animals to be used for animal experiments.

32. A person commits an offence if he uses an animal in an animal experiment unless the animal originates -

- (a) directly from a person licensed under this Part to breed, sell, otherwise dispose of or import an animal for use in an animal experiment, or

- (b) from any other source, including the wild, approved in writing by the Department providing that the Department is satisfied that it is necessary to obtain the animal from that source to meet the objectives of the animal experiment.

Pre-conditions for issue of licence.

33. (1) The Department must not issue a licence under section 31(1)(a) to use an animal in an animal experiment unless it is satisfied that -

- (a) the animal experiment is to be carried out for any of the following purposes -
 - (i) the avoidance, prevention, diagnosis or treatment of -
 - (A) disease, ill-health or other abnormality, or
 - (B) the effects of the same,

in man, animals or plants,
 - (ii) the detection, assessment, regulation or modification of physiological conditions in man, animals or plants,
 - (iii) the protection of the environment,
 - (iv) scientific research,

- (v) education and training, and
- (vi) forensic inquiries,
- (b) the result sought cannot be obtained using a scientifically satisfactory method which -
 - (i) is reasonably or practically available, and
 - (ii) does not involve the use of an animal,
- (c) where alternative animal experiments may be used, the one selected is that which -
 - (i) uses the minimum number of animals,
 - (ii) causes the least suffering or lasting harm to the animals used, and
 - (iii) is the most likely to provide satisfactory results,

for the purpose in question, and
- (d) no animal of an endangered species, other than one falling within the scope of Article 7(1) of the EU Regulation, is to be used in the animal experiment unless -

- (i) the animal experiment is to be carried out for a purpose in paragraph (a)(i) or (ii) for the purpose of research aimed at the preservation of the species concerned, and
- (ii) there is scientific justification in that the purpose of the procedure cannot be achieved by the use of species which are not endangered species.

(2) Subsection (1)(a) includes the purpose of the production, and the quality, efficacy and safety testing, of medicinal products, veterinary medicinal products, medicated feeding stuff and other drugs, products or substances used, or to be used, for the purposes set out in that subsection.

(3) In this section -

"endangered species" means a species listed in Annex A to the EU Regulation, and

"the EU Regulation" means Council Regulation (EC) No. 338/97 of the 9th December 1996 on the protection of species of wild fauna and flora by regulating trade therein^m.

Licence terms and conditions.

34. (1) A licence to use an animal in an animal experiment must specify the animal experiments in which an animal may be used.

^m O.J. L61, 3.3.1997, p.1 to which there are amendments.

(2) A licence to use an animal in an animal experiment must include conditions requiring -

(a) any person responsible for carrying out, or taking part in, animal experiments or responsible for the care, or taking care, of animals used in such procedures, to be -

(i) competent to do the same and to have received appropriate training, or

(ii) except in the case of persons responsible for such procedures or care, directly supervised by a person who is so competent and trained,

(b) a licensee to designate a person to be responsible for-

(i) the welfare, including the general care and accommodation, of animals kept for and used in animal experiments,

(ii) ensuring that -

(A) such animals do not suffer unnecessary suffering or lasting harm, and

(B) where suffering or lasting harm is necessary it involves the least of the

same consistent with obtaining satisfactory results in the animal experiment, and

- (iii) any equipment used in connection with such animals,
- (c) a licensee to designate a recognised veterinary surgeon to be responsible for -
 - (i) the veterinary care of animals kept for and used in scientific experiments, and
 - (ii) advising on the general well-being of such animals,
- (d) that any animal kept for use in animal experiments, must be given an individual, permanent, identification mark, unless it is already so marked when it is taken into the establishment for the first time, and such identification mark must be applied -
 - (i) in the least painful manner possible, and
 - (ii) as soon as possible after the animal arrives at the establishment or, in the case of an animal bred at the establishment, as soon as possible after it is weaned or can feed itself,
- (e) that animal experiments are carried out under general

or local anaesthesia or using analgesics unless -

- (i) anaesthesia or the use of analgesics is judged to be more traumatic to the animal than the pain caused by the procedure, or
- (ii) anaesthesia or the use of analgesics is incompatible with the purpose of the procedure and -
 - (A) the Department considers that such procedure is necessary for the purposes for which it is to be carried out, and
 - (B) the terms or conditions of the licence allow the procedure to be carried out without general or local anaesthesia or using analgesics, and
- (f) that at the end of an animal experiment an animal shall be kept alive unless, in the opinion of a recognised veterinary surgeon, it is unlikely to enjoy-
 - (i) freedom from lasting discomfort or suffering, or
 - (ii) the ability to express normal patterns of behaviour,

in which case it may be euthanised, in accordance with any applicable requirements of an Order made under section 10.

(3) A licence to keep, breed, import, export, sell or otherwise dispose of an animal for use in an animal experiment must include conditions requiring that any such animal be given an individual, permanent, identification mark, unless it is already so marked when it is first obtained by the licensee, and such identification mark must be applied -

- (a) in the least painful manner possible, and
- (b) as soon as possible after the animal arrives at the establishment or, in the case of an animal bred at the establishment, as soon as possible after it is weaned or can feed itself.

Conditions which may be attached to licences.

35. Without prejudice to the generality of section 43, a licence issued under this Part may include conditions in relation to -

- (a) the animals in relation to which animal experiment activities are to be carried on,
- (b) the standard and adequacy of -
 - (i) any premises to be used in relation to animal experiment activities, or
 - (ii) any equipment, facilities or utilities to be

provided at those premises,

- (c) the training, knowledge, experience, qualifications or competence of persons responsible for, in charge of, or otherwise working with, the animals in relation to which animal experiment activities are to be carried on,
- (d) ensuring the proper care and welfare of animals in relation to which animal experiment activities are to be carried out in accordance with good practice,
- (e) ensuring that there are adequate procedural and other measures to deal with foreseeable emergencies,
- (f) ensuring the good management of animal experiment activities including requiring -
 - (i) appropriate provision for adequate insurance against foreseeable risks arising in relation to such activities,
 - (ii) adequate measures for disease control, and
 - (iii) adequate record keeping relating to the animals in relation to which animal experiment activities are to be carried on,
- (g) the disposal of the carcasses, or parts of carcasses, of animals used in animal experiments, and

- (h) the conduct of animal experiments.

Re-use of animals.

36. (1) Where an animal has been -

- (a) used in a series of animal experiments for a particular purpose,
- (b) given a general anaesthetic for any of those experiments, and
- (c) allowed to recover consciousness,

a person commits an offence, subject to subsection (2), if he uses that animal in a further animal experiment before it has returned to good health and well-being.

(2) A person does not commit an offence under subsection (1) where the licence to use an animal in the animal experiment in question expressly allows such further use of the animal and -

- (a) the experiment, or each experiment, for which the anaesthetic was given consisted only of surgical preparation essential for a subsequent procedure,
- (b) the anaesthetic was given solely to immobilise it, or
- (c) the animal was under general anaesthesia throughout the further experiment and was not allowed to recover consciousness.

- (3) Where an animal has -
 - (a) been used in a series of animal experiments for a particular purpose, and
 - (b) not been given a general anaesthetic for any of those experiments,

a person commits an offence if he uses that animal in a further animal experiment before it has returned to good health and well-being, unless such further use is expressly allowed in the licence issued for the use of the animal in the animal experiment in question.

Prohibition of public displays.

37. A person commits an offence if he -

- (a) carries out an animal experiment as an exhibition to the public,
- (b) carries out an animal experiment which is -
 - (i) broadcast on the television, radio or the internet or in any other way, or
 - (ii) recorded as a video recording, or in any other way, and offered for sale or supplied to the public,
- (c) publishes a notice or advertisement announcing the

carrying out of an animal experiment in a manner that would contravene paragraph (a) or (b),

unless the same is expressly allowed in the licence issued under this Part for the use of the animal in the animal experiment in question.

Meaning of "animal" in this Part.

38. (1) In this Part, unless the context requires otherwise, "**animal**" means any living vertebrate except man.

(2) Any such vertebrate in its foetal, larval or embryonic form is "**living**" for the purposes of this Part -

(a) from the stage when -

(i) in the case of a mammal, bird or reptile, half the gestation or incubation period for the relevant species has elapsed, or

(ii) in any other case, it becomes capable of independent feeding, and

(b) until the permanent cessation of its circulation or the destruction of its brain.

(3) The Department may from time to time by regulations made under this section -

(a) extend the definition of an animal for the purposes of this Part so as to include invertebrates of any

description,

- (b) alter any stage of development specified in subsection (2)(a), and
- (c) make provision in lieu of subsection (2)(a) as respects invertebrates of any description.

Interpretation of Part VII.

39. In this Part, unless the context requires otherwise -

"**establishment**" means any facilities for carrying out an animal experiment activity within section 31(1)(a) or (b), including mobile facilities and any building, group of buildings or other premises, whether or not enclosed or covered, and

"**procedure**" includes a series or combination of procedures.

PART VIII

LICENCES: GENERAL PROVISIONS

Application of Part VIII.

40. This Part applies, subject to any express provision to the contrary, in relation to any licence which may be issued under the Law.

Application for a licence.

41. (1) An application for a licence shall be -

- (a) made to the Department -

- (i) in such form and manner, and
- (ii) accompanied by such information,

as the Department shall specify in writing for the type of application in question, and

- (b) accompanied by the prescribed fee.

(2) The Department is not obliged to consider an application for a licence unless the application complies with -

- (a) subsection (1) in all respects, and
- (b) any other requirements under the Law relating to the form and manner of, and the information to accompany, the application.

(3) A person may not apply for a licence to authorise an activity if he is, for the time being, disqualified -

- (a) by a disqualification order issued under section 70(2) from carrying on any activity it is necessary to carry on to perform the activity in respect of which the application is made, or
- (b) by a licence order issued under section 72 from holding a licence in respect of any activity referred to in paragraph (a).

(4) Any licence issued to a person is invalid to the extent it authorises an activity falling within paragraph (a) or (b) of subsection (3).

Determination of application.

42. (1) The Department may -

- (a) upon receipt of an application in relation to a licence, request the applicant to supply such further information in writing as the Department may reasonably consider necessary to determine the application in question, and
- (b) in determining the application, consider such matters as it considers appropriate for the application in question.

(2) The Department may -

- (a) grant an application for a licence either unconditionally or subject to conditions, or
- (b) subject to section 46, refuse an application for a licence.

(3) The Department shall notify the applicant of its decision on an application for a licence, except where section 46(1)(c) applies, as soon as possible after it has made its decision and where the notification is of -

- (a) a grant subject to conditions, it must include the reasons for each condition imposed, and

- (b) a refusal of the application, it must include the reasons for the refusal,

and in either such case the notification must include details of the right of appeal under section 66.

- (4) A licence must specify -

- (a) the name and address of the licensee,
- (b) the name, where relevant, and address of the premises at which the activities authorised by the licence are to be carried on,
- (c) the animals in relation to which the activities authorised by the licence are to be carried on,
- (d) except for a licence under section 15 authorising the carrying out of control measures, the term of the licence, by condition or otherwise, and
- (e) any restrictions, by condition or otherwise, as to the area in which the activities authorised by the licence can be carried on.

Licence conditions.

43. Subject to any requirement under the Law for the Department to attach certain conditions to a licence, the Department may attach to a licence such conditions as it considers appropriate.

Variation or transfer of licence.

44. (1) The Department may vary the conditions of a licence by -

- (a) imposing an additional condition, or
- (b) rescinding, or altering the terms of, an existing condition,

either on application made by the holder of the licence under subsection (3) or, subject to section 46, of its own volition where it considers such variation is necessary or expedient.

(2) A licence may not be transferred except with the written consent of the Department.

(3) An application for the variation of the conditions, or transfer, of a licence shall be -

- (a) made to the Department -
 - (i) in such form and manner, and
 - (ii) accompanied by such information,

as the Department shall specify in writing for the type of application in question, and

- (b) accompanied by the prescribed fee.

(4) The Department is not obliged to consider an application for a variation of the conditions, or transfer, of a licence unless it complies with -

- (a) subsection (3) in all respects, and
- (b) any other requirements under the Law relating to the form and manner of, and the information to accompany, the application.

(5) The Department may, upon receipt of an application under this section, request the applicant to supply such further information in writing as the Department may reasonably consider necessary to determine the application.

(6) The Department shall notify the applicant of its decision on an application under this section as soon as possible after it has made its decision and where the notification is of a refusal of the application such notification must include -

- (a) the reasons for the refusal, and
- (b) details of the right of appeal under section 66.

Suspension or revocation of licence.

45. The Department may, subject to section 46, suspend or revoke a licence where -

- (a) there is a contravention of a term or condition of the licence,
- (b) it is satisfied that any information given for the

purposes of the application in relation to a licence was in any material respect false or misleading,

- (c) it considers that it is necessary to suspend or revoke the licence to prevent the unnecessary killing, injury or suffering of an animal,
- (d) the licensee, or any person in charge of, or otherwise working with, an animal is convicted of an offence under the Law, or
- (e) the licensee or any person in charge of, or otherwise working with, an animal is disqualified -
 - (i) by a disqualification order issued under section 70(2) from carrying on any activity which it is necessary to carry on to perform the activity in respect of which the licence is issued, or
 - (ii) by a licence order issued under section 72 from holding a licence in respect of any activity referred to in subparagraph (i).

Notification of proposed variation, suspension, revocation or refusal of renewal of licence.

46. (1) Where the Department proposes to -

- (a) vary the conditions of a licence of its own volition,

- (b) suspend or revoke a licence, or
- (c) refuse an application for the renewal of a licence,

it must, subject to section 47, notify the licensee of the matters in subsection (2).

(2) The matters referred to in subsection (1) are -

- (a) the proposed variation, suspension, revocation or refusal and the reasons for the same, and
- (b) that the licensee has a period of not less than 28 days from the date of the notification to make representations in writing to the Department on the proposed variation, suspension, revocation or refusal.

(3) The Department must take into account any representations made by the licensee under subsection (2).

(4) Where the Department, having taken into account any representations made under subsection (2), decides to confirm its decision to vary the conditions of, suspend or revoke the licence or to refuse the application for the renewal of the licence, it must notify the licensee of -

- (a) such decision and the reasons for the same,
- (b) the date on which the decision will take effect which shall be a date after the expiry of the period referred to in subsection (2), and

- (c) the right of appeal under section 66.

Suspension or revocation of licence in an emergency.

47. (1) Where the Department considers that -

- (a) there is, or has been, a serious contravention of the conditions of the licence, and
- (b) that an urgent suspension or revocation of the licence is required in the interests of animal welfare,

it may decide to suspend or revoke the licence without first giving the licensee the opportunity to make representations in accordance with section 46(2).

(2) Where the Department makes a decision under subsection (1) it must notify the licensee of -

- (a) its decision to suspend or revoke the licence and the reasons for the same,
- (b) the reasons why it considers that an urgent suspension or revocation of the licence is required in the interests of animal welfare,
- (c) the date on which the decision takes effect, which shall be no sooner than the date on which the notice is served on the licensee, and
- (d) the right of appeal under section 66.

Licences: general.

48. (1) A licence shall cease to have effect -

- (a) where an activity authorised by the licence is carried on at premises specified in the licence, when the licensee ceases to carry on the activity at all such premises, or
- (b) where none of the activities authorised by the licence have been carried on for a continuous period of more than twelve months.

(2) A licensee may nominate a person, for the purposes of subsection (3), ("**a nominated person**") by notification to the Department.

(3) In the event of the death of a licensee, where no joint licensee is surviving, and upon application of a nominated person or, where there is no nominated person, a personal representative of the licensee, the licence -

- (a) will be deemed to have been originally granted, subject to subsection (4), to the nominated person or the personal representative, as the case may be, and
- (b) will terminate at the expiration of a period of 3 months starting from the date of the death.

(4) The nominated person or the personal representative will not be deemed to be a licensee if he is disqualified -

- (a) by a disqualification order issued under section 70(2)

from carrying on any activity which it is necessary to carry on to perform the activity in respect of which the licence is issued, or

- (b) by a licence order issued under section 72 from holding a licence in respect of any activity referred to in paragraph (a).

(5) The Department may, on the application of the nominated person or personal representative, extend the period of 3 months referred to in subsection (3)(b) if the Department is satisfied that the extension is necessary and that no circumstances make it undesirable.

(6) For the avoidance of doubt, subsections (3)(b) and (5) shall not prevent the revocation or suspension of the licence by the Department under section 45(a), (c), (d) or (e) or 47 before the expiry of the relevant period of validity referred to in those subsections.

(7) In this section, "**personal representative**" means -

- (a) an heir to that part of the real property of the deceased licensee which includes the premises on which the activity authorised by the licence is, at the date of death, being carried on, or
- (b) an executor, original or by representation, or an administrator for the time being of the personal property of the deceased licensee.

Contravention of terms or conditions of licence.

49. A licensee commits an offence if he contravenes the terms or conditions of a licence.

Register of licences.

50. (1) The Department shall prepare and maintain a register of licences issued under the Law containing, subject to subsection (3) -

- (a) in relation to every application for a licence, a copy of the application,
- (b) in relation to any refusal of a licence application, a copy of the notification of the refusal, and
- (c) in relation to every licence issued -
 - (i) a copy of any notification of a decision to grant the licence subject to conditions,
 - (ii) a copy of the licence, and
 - (iii) a copy of any notification of a decision to vary the conditions of, transfer, suspend or revoke the licence.

(2) The register may contain such other documents and information in relation to licences issued under the Law as the Department considers appropriate and may be prepared and maintained in electronic form.

(3) The Department may withhold any information from the

register if it considers that it is appropriate to do so having regard to the need to preserve commercial confidentiality.

(4) The register must be kept at the principal office of the Department, made available for inspection by the public free of charge at all reasonable times and the details and documents referred to in subsections (1) and (2) must be kept on the register for not less than 10 years beginning with the date on which they are entered on the register.

(5) The Department must provide copies of any document or other information on the register to any person upon written request and payment of a reasonable fee.

PART IX ENFORCEMENT

Civil notices

Improvement notice procedure.

51. (1) If it appears to the Department that an owner or keeper of an animal is contravening the duty of care under section 8, whether evidenced by a contravention of a code issued under section 13 or otherwise, it may serve on that owner or keeper a notice under this section (an "**improvement notice**").

(2) An improvement notice must -

- (a) state that it appears to the Department that there is a contravention of section 8,
- (b) specify the matters constituting the contravention,

including any relevant contravention of a code issued under section 13,

- (c) specify the steps that must be taken to comply with section 8,
- (d) specify a period for the taking of those steps,
- (e) state that a person who fails to comply with the notice commits an offence under section 53(3), and
- (f) state that there is a right of appeal against the notice under section 66.

Compliance notice procedure.

52. (1) If it appears to the Department that a licensee is contravening any term or condition of a licence, it may serve on that licensee a notice under this section (a "**compliance notice**").

(2) A compliance notice must -

- (a) state that it appears to the Department that there is a contravention of the terms or conditions of the licence,
- (b) specify the matters constituting the contravention,
- (c) specify the steps that must be taken to remedy the contravention,

- (d) specify a period for the taking of those steps,
- (e) state that a person who fails to comply with the notice commits an offence under section 53(3), and
- (f) state that there is a right of appeal against the notice under section 66.

Notices: withdrawal etc. and contravention.

53. (1) The Department may at any time -

- (a) withdraw an improvement notice or a compliance notice, or
- (b) waive or relax any requirement of an improvement notice or a compliance notice,

issued by it and, if the Department does so, it must notify the person on whom the notice was served.

(2) The withdrawal of an improvement notice or a compliance notice does not affect the power of the Department to issue a further improvement notice or compliance notice, as the case may be, in respect of the same contravention.

(3) A person on whom an improvement notice or a compliance notice has been served commits an offence if he contravenes any requirement of the notice.

Simultaneous proceedings.

54. The institution of criminal proceedings under the Law does not prevent the exercise of any power, or prejudice the continuation of any proceedings, under this Part.

Powers of Authorised Persons and police officers

Authorised Persons.

55. (1) A person may be authorised in writing by the Minister, or Deputy Minister, of the Department to perform any of the functions of an Authorised Person under the Law.

(2) A person purporting to carry out the functions of an Authorised Person under the Law shall, upon request, produce evidence of his authority.

(3) An Authorised Person must keep a written record of any exercise of a power under section 56, 57, 58, or 60 or under a warrant issued under section 59.

(4) For the avoidance of doubt, the States Veterinary Officer may be appointed as an Authorised Person.

Powers in respect of animals in distress.

56. (1) If an Authorised Person or a police officer has reasonable grounds to suspect that an animal is suffering (whether or not as a result of an offence under the Law), he may, subject to section 58, take or arrange for the taking of such steps as reasonably appear to him to be immediately necessary to alleviate the animal's suffering.

- (2) The steps referred to in subsection (1) shall include -
 - (a) seizing and taking into possession the animal,
 - (b) summoning the States Veterinary Officer,
 - (c) causing the animal to be euthanised in the circumstances set out in subsection (4),
 - (d) causing any necessary veterinary treatment to be administered to the animal, or
 - (e) caring for the animal -
 - (i) at the place where it was found, or
 - (ii) at such other place as the Authorised Person or police officer considers appropriate.

(3) The steps in subsection (2) may also be taken in relation to any dependent young of the animal.

(4) An Authorised Person or a police officer may cause an animal to be euthanised, and its carcase disposed of, by the States Veterinary Officer provided that the States Veterinary Officer is satisfied that it would be cruel to keep the animal alive.

Inspection in connection with licences.

57. (1) An Authorised Person may, subject to section 58, carry out an inspection of premises to check compliance with -

- (a) the terms or conditions of a licence, or
- (b) provisions under the Law which are relevant to the carrying on of an activity to which such a licence relates.

(2) An Authorised Person may require a licensee to produce for inspection any records which he is required to keep under a licence.

(3) Where records which a person is so required to keep are stored in electronic form, the power under subsection (2) includes power to require the records to be made available for inspection in a visible and legible form or in a form from which they can readily be produced in a visible and legible form.

(4) An Authorised Person may, subject to section 58, carry out an inspection of any premises for the purpose and at the time set out in subsection (5), where -

- (a) an application has been made under the Law for a licence or a variation of the conditions, or transfer, of a licence, and
- (b) the activities authorised or proposed to be authorised by the licence are to be carried out at those premises.

(5) An inspection under subsection (4) may be carried out at any reasonable time before the determination of an application for a licence or a variation or transfer of a licence for the purpose of ascertaining whether or not that application should be granted.

Powers of entry onto premises and to stop and detain vehicles etc.

58. (1) Subject to subsections (3) and (6), an Authorised Person or a police officer may enter any premises at any reasonable time -

- (a) for the purpose of exercising his powers under section 56, or
- (b) where he has reasonable grounds to suspect that an offence under the Law has been, or is being, committed, for the purpose of investigating that offence.

(2) Subject to subsections (3) and (6), an Authorised Person may enter any premises at any reasonable time for the purpose of -

- (a) considering any application in relation to a licence, authorisation, approval or other consent (however named) made under the Law,
- (b) deciding whether and in what manner any functions of an Authorised Person or the Department under the Law ought to be exercised,
- (c) carrying out an inspection under section 57,
- (d) ensuring that any requirements of a notice served under the Law have been or are being complied with,
or

- (e) exercising any other function conferred on an Authorised Person or the Department under the Law.

(3) The powers of entry under subsections (1) and (2) shall not be exercisable (other than in a case of emergency) -

- (a) unless the Authorised Person or the police officer gives to the owner or occupier of the premises concerned at least 24 hours' notice of his intention to enter the premises, and
- (b) in the case of any premises, or any part of premises, used as a dwelling except under and in accordance with the authority of a warrant issued by the Bailiff under and in accordance with section 59.

(4) The powers of entry under subsections (1) and (2) include a power -

- (a) for an Authorised Person or police officer to take with him such persons, equipment and materials as he reasonably considers necessary for the purpose for which the power of entry is being exercised, and
- (b) for such persons to exercise any power that may be exercised by the Authorised Person or police officer, for the purpose for which he entered, provided that any such person is in the company, and under the supervision, of the Authorised Person or police officer exercising the power of entry.

(5) A police officer or an Authorised Person (if accompanied by a police officer in uniform) may -

- (a) stop and detain a vehicle for the purpose of the exercise of a power under any of sections 56, 57, 60 or subsections (1) or (2), and
- (b) detain that vehicle for as long as reasonably required for the exercise of the power concerned.

(6) The powers in this section do not authorise a police officer or an Authorised Person to enter any premises, or to stop and detain a vehicle, by force.

Warrant to enter premises.

59. (1) If the Bailiff is satisfied by information on oath supplied by -

- (a) an Authorised Person, that there are reasonable grounds for entering any premises for any purpose for which an Authorised Person has a right to enter premises under this Part, he may grant a warrant to an Authorised Person, or
- (b) a police officer, that there are reasonable grounds for entering any premises for any purpose for which a police officer has a right to enter premises under this Part, he may grant a warrant to a police officer.

(2) A warrant granted under subsection (1) shall authorise an Authorised Person or a police officer at any time within one month of the date of the grant -

- (a) to enter the premises, and
- (b) to exercise in respect of the premises (and any animal, carcase of an animal, equipment, substance or other thing found in or on the premises), all such powers as he may exercise under this Part,

for the purposes indicated in subsection (1).

(3) The Bailiff shall not issue a warrant under subsection (1) unless he is satisfied that any of the following four conditions is met.

(4) The first condition is that the whole of the premises is used as a dwelling and the occupier has been informed of the decision to apply for a warrant.

(5) The second condition is that any part of the premises is not used as a dwelling and that each of the following applies to the occupier of the premises -

- (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision,
- (b) he has failed to allow entry to the premises on being requested to do so by an Authorised Person or a police officer, and

- (c) he has been informed of the decision to apply for a warrant.

(6) The third condition is that -

- (a) the premises are unoccupied or the occupier is absent, and
- (b) notice of intention to apply for a warrant has been left in a conspicuous place on the premises.

(7) The fourth condition is that it is inappropriate to inform the occupier of the decision to apply for a warrant because -

- (a) it would defeat the object of entering the premises, or
- (b) entry is required as a matter of urgency.

(8) An Authorised Person or a police officer executing a warrant issued under this section may use such reasonable force as may be necessary.

(9) Sections 10 (search warrants - safeguards) and 11 (execution of warrants) of PPACEⁿ shall apply in relation to the issue of a warrant under this section to an Authorised Person as they apply in relation to the issue of a warrant to a police officer.

ⁿ Order in Council No. XXIII of 2003 as amended by Order in Council No. XVI of 2009 and the Police Powers and Criminal Evidence (Bailiwick of Guernsey) (Amendment) Ordinance, 2011.

(10) The following additional requirements shall apply in relation to a warrant, or application for a warrant, issued or made under this section -

- (a) an application for a warrant under this section and a warrant issued under this section must identify, in so far as is practicable, any animal or carcase of an animal sought, and
- (b) the endorsement required to be made on a warrant under section 11(9) of PPACE must state whether any animals or carcasses of animals sought were found and whether any of the same, other than those which were sought, were seized.

Supplementary functions.

60. (1) This section applies to a person exercising a power under section 56, 57 or 58 or under a warrant issued under section 59.

(2) A person exercising a power to which this section applies may, where it is reasonably necessary for the purpose for which he has exercised the power -

- (a) inspect an animal, carcase of an animal, equipment, substance or other thing (including a document or record in any form),
- (b) carry out a measurement or test on an animal, carcase of an animal, equipment, substance or other thing,

- (c) take a sample from an animal, carcase of an animal, equipment, substance or other thing,
- (d) use a mark, microchip or other method to identify an animal, carcase of an animal, equipment, substance or other thing,
- (e) take copies of a document or record (in whichever form it is held),
- (f) take a photograph of anything, or
- (g) subject to subsection (6), seize and take into possession or detain an animal, a carcase of an animal, equipment, substance or other thing which he reasonably believes to be evidence of the commission of an offence under the Law relevant to the purpose for which the power is exercised.

(3) A person who takes a sample from an animal, or carcase of an animal, under subsection (2)(c) shall give a part of the sample, or a similar sample, to the owner or keeper of the animal, if, before the sample is taken, he is requested to do so by the owner or keeper.

(4) Section 16(1) and (2) (record of thing seized) of PPACE shall apply in relation to an Authorised Person who seizes and takes into possession a carcase of an animal or other thing under subsection (2)(g) as it applies in relation to the exercise of a power of seizure by a police officer.

(5) Any animal or other thing which has been seized or taken into possession or detained in the exercise of a power under subsection (2)(g) may, subject to the following provisions of this Ordinance, be retained so long as is necessary in all the circumstances and in particular -

- (a) for use as evidence at a trial for a relevant offence,
- (b) for forensic examination or for investigation in connection with an offence, or
- (c) for use in connection with the enforcement of the requirements of a compliance notice or an improvement notice,

except that nothing may be retained for such a purpose where a photograph or a copy would be sufficient.

(6) Subsection (2)(g) does not include power to seize anything which the person exercising the power has reasonable grounds for believing to be an item subject to legal professional privilege within the meaning of section 24 of PPACE.

Supplementary provisions.

61. (1) When an Authorised Person or a police officer exercises any power under section 56 or 60(2), in relation to an animal, other than with the knowledge of the owner or keeper of the animal, he shall take all reasonable measures to notify the owner and keeper of the animal of the same including notifying them of the name and address of any place to which an animal is removed.

(2) Any expenses reasonably incurred by an Authorised Person or a police officer in consequence of acting under section 56 or 60(2) in seizing, taking into possession and caring for an animal are recoverable by the States from the owner or keeper of the animal in question as a civil debt.

Statutory powers to make requirements.

62. (1) Where an Authorised Person reasonably suspects that -

- (a) an offence under the Law has been, or is being, committed, in relation to any animal, he may require the owner or keeper of an animal to comply with any of the requirements indicated in subsection (2), or
- (b) an offence under the Law has been, or is being, committed, in relation to any activity licensed under the Law, he may require the licensee to comply with any of the requirements indicated in subsection (2).

(2) The requirements for the purpose of subsection (1) are -

- (a) to make available for inspection by an Authorised Person or the States Veterinary Officer any -
 - (i) animal, or carcase of an animal, or
 - (ii) equipment, material, substance or other thing used in relation to the animal or the licensed activity,

in relation to which an Authorised Person suspects that the offence has been committed,

- (b) to furnish an Authorised Person with such information, including records and other documents, relating to the animal or the licensed activity as the Authorised Person may reasonably require, and
- (c) to answer such questions relating to the animal or licensed activity as the Authorised Person may reasonably ask.

(3) Any animal, carcase of an animal, equipment, substance or other thing provided or made available to an Authorised Person or the States Veterinary Officer in compliance with a requirement under this section may be seized by an Authorised Person.

(4) Where an animal, carcase of an animal, equipment, substance or other thing is seized under subsection (3), the provisions of section 60(4) to (6) shall apply to such a seizure as they apply to a seizure made under section 60(2)(g).

(5) A statement made by a person in response to a requirement imposed under this section or otherwise under the Law -

- (a) may be used in evidence against him in proceedings other than criminal proceedings,
- (b) may not be used in evidence against him in criminal proceedings except -

- (i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or
- (ii) in proceedings for -
 - (A) an offence under section 67,
 - (B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,
 - (C) perjury, or
 - (D) perverting the course of justice.

Functions of a police officer under Part IX.

63. For the avoidance of doubt, the functions of a police officer under this Part are without prejudice to any other functions conferred on a police officer by law.

Orders in relation to animals in distress

Distress orders.

64. (1) The Magistrate's Court may order any of the following (a "distress order") in relation to an animal, or any of its dependent young, seized and taken into possession under section 56 -

- (a) that specified treatment be administered to the animal,
- (b) that possession of the animal be given up to a specified person, or
- (c) that the animal be sold, otherwise disposed of or euthanised.

(2) The power to make a distress order shall be exercisable on application by -

- (a) the owner or keeper of the animal,
- (b) the Authorised Person or police officer who seized and took the animal into possession,
- (c) the person who is for the time being caring for the animal in accordance with section 56, or
- (d) any other person appearing to the court to have a sufficient concern for the animal.

(3) Before making a distress order the Magistrate's Court must

give the owner of the animal concerned an opportunity to make representations unless it is not practicable to do so.

- (4) Where the Magistrate's Court makes a distress order, it may-
 - (a) appoint a person to carry out, or arrange for the carrying out, of the order,
 - (b) give directions with respect to the carrying out of the order,
 - (c) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the order,
 - (d) order a person to reimburse the expenses of carrying out the order, or
 - (e) make such other provision as it considers appropriate in connection with the order.

(5) If the owner of the animal is subject to a liability by virtue of subsection (4)(d), any amount to which he is entitled as a result of a sale of the animal may be reduced by an amount equal to that liability.

Appeals against distress orders.

65. (1) Where the Magistrate's Court makes a distress order the owner of the animal to which the order relates may appeal against the order to the Royal Court.

(2) The operation of a distress order is, subject to subsection (3), suspended until -

- (a) any period for an appeal against the order under subsection (1) has expired, and
- (b) if the order is the subject of an appeal under subsection (1), the appeal has been withdrawn or finally determined.

(3) Subsection (2) does not apply to the operation of any part of a distress order issued under -

- (a) section 64(1)(a), or
- (b) section 64(1)(c), ordering the euthanising of the animal,

if the Magistrate's Court directs that it is appropriate in the interests of the animal that the carrying out of the order should not be delayed.

(4) Where the operation of an order has been suspended under subsection (2), the Magistrate's Court may give directions about how any animal to

which the order applies is to be dealt with during the suspension including in particular -

- (a) appointing a person to secure that the directions are carried out,
- (b) requiring any person who has possession of the animal to deliver it up for the purposes of the directions being carried out,
- (c) conferring powers to enable the directions to be carried out, including power to enter premises where the animal is kept, and
- (d) providing for the recovery of any expenses reasonably incurred in carrying out the directions.

(5) Where the Magistrate's Court decides on an application under section 64(2)(a) by the owner or keeper of the animal not to exercise the power conferred by subsection (1) of that section, the applicant may appeal against the decision to the Royal Court.

(6) Where the Magistrate's Court makes an order under section 64(4)(d), the person against whom the order is made may appeal against the order to the Royal Court.

(7) An appeal under subsection (5) or (6) must be made -

- (a) within a period of 21 days immediately following the date of the decision or order, as the case may be, of the Magistrate's Court, and
- (b) by notice served on all parties to the proceedings in the course of which the decision or order, as the case may be, was made,

and may be made on any ground of appeal which involves a question of law alone, a question of fact alone, or a question of mixed fact and law.

PART X

APPEALS AGAINST DECISIONS OF DEPARTMENT ETC.

Appeals against decisions.

- 66.** (1) A person aggrieved by a decision of the Department -
- (a) to refuse an application by him for a licence,
 - (b) to impose a condition on a licence granted to him,
 - (c) to vary, or refuse to vary, the conditions of a licence granted to him,
 - (d) to refuse to effect the transfer of a licence granted to him,
 - (e) to suspend or revoke a licence granted to him,
 - (f) to issue an improvement notice, or

- (g) to issue a compliance notice,

may appeal to the Royal Court against the decision.

(2) A person aggrieved by a decision under the Law, by the Department or another person, being a decision of such other description as may be specified by further Ordinance under the Law for the purposes of this section, may appeal to the Royal Court against the decision.

(3) The grounds of an appeal under this section are that -

- (a) the decision was ultra vires or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(4) An appeal under this section shall be instituted -

- (a) within a period of 28 days immediately following the date of the notification of the Department's or the other person's decision, as the case may be, and

- (b) by summons served on the Minister of the Department or the other person, as the case may be, stating the grounds and material facts on which the appellant relies.

(5) The Department, or the other person, as the case may be, may where an appeal under this section has been instituted, apply to the Royal Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and on hearing the application the Royal Court may -

- (a) dismiss the appeal or dismiss the application (in either case on such terms and conditions as the court may direct), or
- (b) make such other order as the Royal Court considers just,

and the provisions of this subsection are without prejudice to the inherent powers of the Royal Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007⁰.

(6) On an appeal under this section the Royal Court may -

- (a) set the decision of the Department, or the other person, as the case may be, aside and, if the Royal Court considers it appropriate to do so, remit the

⁰ O.R.C. No. IV of 2007 as amended by O.R.C. No. II of 2008.

matter to the Department, or the other person, with such directions as the Royal Court thinks fit, or

- (b) confirm the decision, in whole or in part.

(7) On an appeal under this section against a decision of the Department or the other person, as the case may be, the Royal Court may, on the application of the appellant, and on such terms as the Royal Court thinks just, suspend or modify the operation of the decision pending the determination of the appeal.

(8) For the purposes of an appeal under this section the Royal Court may appoint one or more assessors to assist it in the determination of any matter before it.

(9) An appeal from a decision of the Royal Court under this section lies to the Court of Appeal on a question of law and shall be instituted –

- (a) within a period of 14 days immediately following the date of the decision of the Royal Court, and
- (b) by notice served on all parties to the proceedings in the course of which the order was made.

PART XI

GENERAL OFFENCES, SUMMARY TRIAL AND PENALTIES ETC.

General offences

False, deceptive or misleading statements and obstruction etc.

67. (1) A person commits an offence if -
- (a) for the purposes of or in connection with an application under the Law,
 - (b) in purported compliance with any requirement of a licence, authorisation, approval or other consent (however named) or notice issued under the Law,
 - (c) in purported compliance with a requirement imposed under, or otherwise for the purposes of, the Law, or
 - (d) otherwise than as mentioned in paragraphs (a) to (c) but in circumstances in which he intends, or could reasonably be expected to know, that the statement, information or document provided by him would or might be used by any person for the purpose of exercising that person's functions conferred under the Law,

he does any of the following -

- (i) he makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,

- (ii) he recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
- (iii) he produces or furnishes, or causes or permits to be produced or furnished, any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (iv) he recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular.

(2) A person who -

- (a) obstructs another person in the exercise of that other person's functions under the Law,
- (b) fails, without reasonable excuse, to comply with a requirement imposed on him under section 62, or
- (c) fails, without reasonable excuse, to give any person executing a warrant issued under section 59 such assistance as he may reasonably require for the execution of the warrant,

commits an offence.

(3) A person commits an offence if he obstructs a person in the exercise of any power conferred by virtue of any order of a court made under the Law.

Offences committed by bodies corporate and partnerships etc.

68. (1) Where an offence under the Law is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate commits the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

(3) Proceedings for an offence under the Law alleged to have been committed by a partnership shall be brought against the partnership in the name of the firm and not in that of the partners, but without prejudice to any liability of the partners under subsection (5).

(4) A fine imposed on a partnership on its conviction in such proceedings shall be paid out of the partnership assets.

(5) Where an offence under the Law is committed by a partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner or any person

purporting to act in that capacity, he as well as the partnership commits the offence and may be proceeded against and punished accordingly.

Summary trial and penalties: imprisonment or fine

Offences-summary trial and penalties-imprisonment or fine.

69. (1) An offence under this Ordinance is triable only summarily.

(2) A person who commits an offence under any of sections 1, 2, 4, 5, 7, 31, 32, 36 or 37 shall be liable on conviction to -

(a) imprisonment for a term not exceeding 12 months, or

(b) a fine not exceeding twice level 5 on the uniform scale,

or to both.

(3) A person who commits an offence under any other section of this Ordinance shall be liable on conviction to -

(a) imprisonment for a term not exceeding 6 months, or

(b) a fine not exceeding level 5 on the uniform scale,

or to both.

Penalties: post-conviction orders

Deprivation, disqualification and seizure orders.

70. (1) On the conviction of the owner, keeper or other person having possession of an animal -

- (a) for an offence under section 1, 2, 3, 4, 5, 7, 8, 31 or 32 in relation to that animal, or
- (b) for an offence under subsection (4), because the ownership, keeping or possession of the animal is in contravention of a disqualification order made under subsection (2),

the court by or before which the owner, keeper or other person having possession is convicted may, instead of or in addition to any other punishment, make an order depriving him of the ownership or possession (or both) of the animal (a "**deprivation order**"), and any of its dependent young, and providing for the sale, other disposal or euthanising of the animal, and such young, as it thinks fit.

(2) On the conviction of a person for an offence under section 1, 2, 3, 4, 5, 7, 8, 26, 31 or 32 or subsection (4), the court by or before which the person is convicted may, instead of or in addition to any other punishment, order that person to be disqualified, for such period as it thinks fit, from -

- (a) owning, keeping, dealing, transporting, riding, driving or working with animals,

- (b) otherwise providing any service to animals which involves taking possession of them,
- (c) otherwise being responsible for, or participating in, the care of animals, or
- (d) being party to an arrangement under which he is entitled to control or influence the way in which animals are kept or cared for,

and such an order (a "**disqualification order**") may be imposed in relation to animals generally or in relation to one or more kinds.

(3) The court may suspend the operation of a disqualification order -

- (a) for such period as it considers necessary for enabling arrangements to be made for the keeping of the animals to which the order applies, or
- (b) pending an appeal.

(4) A person commits an offence if he contravenes a disqualification order.

(5) Where the court is satisfied that a person, who is subject to a disqualification order, owns, keeps or possesses an animal in contravention of the order, the court may make an order (a "**seizure order**") that all animals he owns, keeps or possesses contrary to the disqualification order be taken into possession and sold, otherwise disposed of or euthanised as the court thinks fit.

(6) A seizure order may be made on application to the court by an Authorised Person or a police officer and whether or not proceedings for an offence have been taken under subsection (4).

Euthanising order.

71. On the conviction of a person for an offence under section 1, 2, 3, 4, 5, 7, 8, 31 or 32 the court by or before which he is convicted may order the euthanising of an animal (a "**euthanising order**") in relation to which the offence was committed if it is satisfied on the basis of evidence given by a recognised veterinary surgeon -

- (a) that it is appropriate to do so in the interests of the animal, or
- (b) that there are good veterinary reasons to do so.

Licence order.

72. (1) On the conviction of a person for an offence under section 1, 2, 3, 4, 5, 7, 8, 26, 31 or 32 the court by or before which the person is convicted may, instead of or in addition to any other punishment make an order (a "**licence order**") -

- (a) revoking any licence held by him under the Law, and
- (b) whether or not that person is the holder of such a licence, disqualifying him from holding any licence under the Law for such period as the court thinks fit,

and a disqualification may be imposed in relation to licences generally or to licences of one or more kinds.

(2) A court which has made a licence order may suspend the operation of the order pending an appeal.

Termination or variation of disqualification or licence order.

73. (1) A person who is disqualified from -

- (a) doing anything falling within section 70(2) by virtue of a disqualification order, or
- (b) holding a licence by virtue of a licence order,

may, subject to subsection (4), apply to the court which made the order to terminate or vary it.

(2) On an application under subsection (1), the court may -

- (a) refuse the application,
- (b) terminate the order, or
- (c) vary the order to relax any disqualification imposed in it.

(3) In considering the application, the court must have particular regard to -

- (a) the nature of the offence in relation to which the order was made,
 - (b) the character of the applicant, and
 - (c) the applicant's conduct since the order was made.
- (4) No application under subsection (1) may be made -
- (a) before the end of a period of twelve months beginning with the date on which the order is made, or
 - (b) where a previous application under subsection (1) has been made in relation to the same order, before the end of a period of twelve months beginning with the date on which the previous application was determined.

Forfeiture of equipment used in offences.

74. (1) On the conviction of a person for an offence under section 1, 2, 4, 5, 7, 10, 14, 31, 32, 36 or 37, the court by or before which he is convicted may order (a "**forfeiture order**") any qualifying item which is shown to the satisfaction of the court to relate to the offence to be -

- (a) forfeited, and
- (b) destroyed or dealt with in such manner as may be specified in the order.

- (2) The reference in subsection (1) to any "**qualifying item**" is -
- (a) in the case of conviction for an offence under section 1, to anything designed or adapted for killing, injuring, ill-treating or causing suffering to an animal,
 - (b) in the case of conviction for an offence under section 2, to anything designed or adapted for carrying out an operation falling within section 2(1) on an animal,
 - (c) in the case of a conviction for an offence under section 4, to anything designed or adapted for use in connection with an animal fight,
 - (d) in the case of conviction for an offence under section 5, to anything designed or adapted for administering a poison to an animal,
 - (e) in the case of a conviction for an offence under section 7, to anything designed or adapted for use to -
 - (i) take a wild animal from the wild, or
 - (ii) take, destroy, damage or disturb a nest, egg, roost, burrow or den of a wild animal, or
 - (f) in the case of a conviction for an offence under section 10, to -

- (i) any equipment or device which is designed or adapted for use, to slaughter, kill, hunt, euthanise, take from the wild, capture or control an animal, or
- (ii) any carcase of an animal falling within section 10(1),
- (g) in the case of a conviction for an offence under section 14(4), to any equipment or device designed or adapted for use, to carry out control measures, and
- (h) in the case of a conviction for an offence -
 - (i) under section 31, to anything designed or adapted -
 - (A) for use on an animal in an animal experiment, or
 - (B) to keep or breed an animal for use in an animal experiment, or
 - (ii) under section 32, 36 or 37(a), to anything designed or adapted for use on an animal in an animal experiment, and
 - (iii) under section 37(b) or (c), to a video recording or any other equipment or device on which an animal experiment has been

recorded and to a notice or advertisement of an animal experiment.

(3) The court shall not make a forfeiture order under subsection (1), where a person claiming to be the owner of the qualifying item or otherwise interested in it applies to be heard by the court, unless that person has been given an opportunity to show cause why the order should not be made.

(4) An expression used in any of paragraphs (a) to (h) of subsection (2) has the same meaning as in the provision referred to in that subsection.

(5) This section is without prejudice to the provisions of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006^P.

Post-conviction orders: supplementary provisions.

75. (1) Before making a deprivation order, a seizure order or a euthanising order the court must give the owner of the animal concerned an opportunity to make representations unless it is not practicable to do so.

(2) Subsection (1) does not apply in relation to a euthanising order if the court by which the order is made directs that it is appropriate in the interests of the animal that the carrying out of the order should not be delayed.

(3) Where a court makes a deprivation order, seizure order or euthanising order, it may -

^P Order in Council No. XXII of 2007.

- (a) appoint a person to carry out or arrange for the carrying out of the order,
- (b) require any person who has possession of an animal to which the order applies to deliver it up to enable the order to be carried out,
- (c) give directions with respect to the carrying out of the order,
- (d) confer additional powers (including power to enter premises where an animal to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order,
- (e) order the offender to reimburse the expenses of carrying out the order, or
- (f) make such other provision as it considers appropriate in connection with the order.

(4) If the owner of the animal is subject to a liability by virtue of subsection (3)(e), any amount to which he is entitled as a result of a sale of the animal may be reduced by an amount equal to that liability.

Appeals against orders.

76. (1) A deprivation order, disqualification order, licence order or forfeiture order is to be treated as a sentence for the purposes of -

(a) the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988^q, and

(b) the Court of Appeal (Guernsey) Law, 1961^r.

(2) Where a deprivation order or a seizure order is made in respect of an animal, other than one owned by the offender, the owner of the animal may appeal against the order to the Royal Court.

(3) Where a seizure order is made the disqualified person by reference to whom the seizure order is made may appeal against the order to the Royal Court.

(4) Where a euthanising order is made in respect of an animal, each of the offender and, if different, the owner of the animal may appeal against the order to the Royal Court.

(5) The operation of any deprivation order, euthanising order, seizure order or forfeiture order is, subject to subsection (6), suspended until -

(a) any period for an appeal against the order has expired,

(b) the period for an appeal against the conviction to which the order relates has expired, and

^q Ordres en Conseil Vol. XXXI, p. 83.

^r Ordres en Conseil Vol. XVIII, p. 315.

- (c) any appeal against the order or that conviction has been withdrawn or finally determined.

(6) Subsections (4) and (5) do not apply if the court by which a euthanising order is made directs that it is appropriate in the interests of the animal that the carrying out of the order should not be delayed.

(7) Where the operation of an order has been suspended under subsection (5), the court which made the order may make an order under this subsection (an "**interim order**") containing such provision as the court considers appropriate in relation to the keeping of an animal for so long as the first mentioned order remains suspended including, in particular -

- (a) authorising the animal to be taken into possession and removed to a place of safety,
- (b) appointing a person to secure that the interim order is carried out,
- (c) conferring powers to enable the interim order to be carried out, including power to enter premises where the animal is kept, and
- (d) providing for the recovery of any expenses reasonably incurred in carrying out the interim order from the offender.

(8) Where the operation of a deprivation order is suspended under subsection (5), a person commits an offence if he sells or otherwise parts

with an animal to which the order applies.

- (9) An appeal under subsection (2), (3) or (4) must be made -
 - (a) within a period of 21 days immediately following the date of the order, and
 - (b) by notice served on all parties to the proceedings in the course of which the order was made,

and may be made on any ground of appeal which involves a question of law alone, a question of fact alone, or a question of mixed fact and law.

PART XII

MISCELLANEOUS PROVISIONS

Appeals against certain decisions of the Royal Court.

77. (1) An appeal from a decision of the Royal Court on an appeal under section 65(1), (5) or (6) or 76(2), (3) or (4) shall lie to the Court of Appeal on a question of law and shall be instituted -

- (a) within a period of 14 days immediately following the date of the decision of the Royal Court, and
- (b) by notice served on all parties to the proceedings in the course of which the order was made.

(2) The Royal Court sitting as a Full Court may by rules under this section make provision as to -

- (a) the conduct of proceedings on appeals to the Royal Court or the Court of Appeal under sections 65(1), (5) or (6), 66, 76(2), (3) or (4) and this section, and
- (b) such incidental and supplementary matters concerning such appeals and proceedings as it considers appropriate.

Service of documents.

78. (1) Any document to be given or served under, or for the purposes, of the Law may be given or served –

- (a) on 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) on a company, by being left at, or sent by post or transmitted to, its registered office,
- (c) on an overseas company, by being left at, or sent by post or transmitted to, its principal or last known principal place of business in Guernsey or, if there is no such place, its registered or principal office or last known registered or principal office elsewhere,
- (d) on an unincorporated body, by being given to or served on 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 principal place of business in

Guernsey or, if there is no such place, its principal or last known principal place of business elsewhere, or

- (e) on the Department or an Authorised Person, by being left at, or sent by post or transmitted to, the principal offices of the Department in Guernsey.

(2) In subsection (1) –

- (a) the expression "**by post**" means by Special Delivery post, recorded delivery service or ordinary letter post, and
- (b) the expression "**transmitted**" means transmitted by electronic communication, facsimile transmission or other similar means which produce or enable the production of a document containing the text of the communication; in which event the document shall be regarded as served when it is received.

(3) If a person notifies the Department or an Authorised Person of an address for service within Guernsey for the purposes of the Law, any document to be given to or served on him may be given or served by being left at, or sent by post or transmitted to, that address.

(4) If service of a document cannot, after reasonable enquiry, be effected in accordance with this section, the document may be served –

- (a) by being published by the Department in such manner and for such period as it thinks fit, or

- (b) by being published in La Gazette Officielle on two occasions falling in successive weeks,

and a document served under this subsection is sufficient if addressed to the person for whom it is intended.

(5) Subsections (1) to (4) are without prejudice to any other lawful method of service.

(6) Notwithstanding the provisions of subsections (1) to (5) and (8) and any other enactment or rule of law in relation to the service of documents, no document to be given to or served on the Department or an Authorised Person under or for the purposes of the Law shall be deemed to have been given or served until it is received.

(7) If a person upon whom a document is to be served under the Law is a minor or person under legal disability, the document shall be served on his guardian; and if there is no guardian, the party wishing to effect service may apply to the court for the appointment of a person to act as guardian for the purposes of the Law.

(8) A document sent by post is, unless the contrary is shown, deemed for the purposes of the Law to have been received –

- (a) in the case of a document sent to an address in the United Kingdom, the Channel Islands or the Isle of Man, on the third day after the day of posting,
- (b) in the case of a document sent elsewhere, on the

seventh day after the day of posting,

excluding in each case any day which is not a working day.

(9) Service of a document sent by post shall be proved by showing the date of posting, the address thereon and the fact of prepayment.

(10) In this section "**document**" does not include a summons.

(11) The provisions of this section are subject to any contrary provision under the Law.

General provisions as to Orders, regulations and rules.

79. (1) Orders, regulations and rules of court made under the Law -

- (a) may be amended or revoked by subsequent Orders, regulations or rules of court hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Department or the Royal Court to be necessary or expedient, and
- (c) shall, in the case of Orders and regulations, be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of a new Order or regulations.

(2) Any power conferred under the Law to make an Order, regulations or rules of court 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,

(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,

(iii) any such provision either unconditionally or subject to any conditions specified in the Order, regulations or rules of court.

Exclusion of liability.

80. (1) The Department, the States Veterinary Officer, a recognised veterinary officer and an Authorised Person are not -

(a) liable in damages, or

- (b) in the case of an individual, personally liable in any civil proceedings,

in respect of anything done, or omitted to be done, in the discharge, or purported discharge, of their functions under the Law, unless the thing was done, or omitted to be done, in bad faith.

(2) Subsection (1) only applies to anything done, or omitted to be done, after the commencement of the provision under the Law under which the relevant function is conferred.

(3) Subsection (1) does not operate to prevent an award of damages in respect of an act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000^s.

Interpretation.

81. (1) In this Ordinance, unless the context requires otherwise -

"**animal**" means -

- (a) for the purposes of this Ordinance, except Parts VI and VII, any living vertebrate except man and any living cephalopod,
- (b) for the purposes of Part VI, any living animal except man, and

^s Ordres en Conseil Vol. XL, p. 396 as amended by Order in Council No. I of 2005 and G.S.I. No. 27 of 2006.

(c) for the purposes of Part VII: see section 38,

and paragraphs (a) and (b) do not include any animal whilst it is in its foetal, larval or embryonic form,

"animal experiment activity" means any activity falling within paragraph (a), (b) or (c) of section 31(1),

"animal fight" means an occasion where an animal is placed with an animal, or with a human, for the purpose of fighting, wrestling or baiting,

"animal product" means any product produced or derived from an animal,

"application for the renewal of a licence" means an application for a renewal of a licence prior to the expiry of a previous licence for substantially the same activities and related expressions shall be construed accordingly,

"Authorised Person" means a person appointed as such under section 55(1),

"Bailiff" means the Bailiff, Deputy Bailiff, Judge of the Royal Court, Lieutenant-Bailiff or Juge Délégué,

"captive animal" means a wild animal that is confined by man,

"compliance notice" : see section 52(1),

"**contravention**" includes failure to comply and related expressions shall be construed accordingly,

"**Court of Appeal**" means the court established by the Court of Appeal (Guernsey) Law, 1961,

"**Department**" means the States Commerce and Employment Department,

"**deprivation order**" : see section 70(1),

"**disqualification order**" : see section 70(2),

"**distress order**" : see section 64(1),

"**domestic animal**" means an animal -

(a) which is of a kind commonly domesticated in the British Islands, and

(b) which is not living in a wild state,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**euthanasia**" means killing using humane methods and related terms shall be construed accordingly,

"**euthanising order**" : see section 71,

"**finally determined**" in relation to an appeal under the Law means

when the appeal and any further appeal is finally determined,

"good health" includes good mental health,

"Guernsey Border Agency" means the organisation also known or referred to as "the Customs and Excise and Immigration and Nationality Service" including -

- (a) its Chief Officer and any officer acting by or under his authority, and
- (b) any other individual working, including on a temporary basis, for such organisation whether under a contract of employment, a contract for services or otherwise,

"Guernsey Police" means the organisation also known or referred to as "the Island Police Force" including -

- (a) its Chief Officer and any other member of the salaried police force of the Island of Guernsey,
- (b) any member of the special constabulary of the Island of Guernsey, and
- (c) any other individual working, including on a temporary basis, for such organisations whether under a contract of employment, a contract for services or otherwise,

"horse" means a domestic animal of the equine species,

"improvement notice" : see section 51(1),

"keeper" means -

- (a) a person, other than the owner of an animal, who cares for or is responsible for an animal, or
- (b) a person who is the head of a household where a member of that household, who is under the age of 16 -
 - (i) is the owner of an animal, or
 - (ii) falls within paragraph (a),

"the Law" means the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008 and **"under the Law"** includes, for the avoidance of doubt, by or under the Law, this Ordinance and any other enactment made under the Law,

"lawful authority" includes -

- (a) under the authority, and in accordance with the terms and conditions, of a licence, approval, authorisation, other consent (however named) or certificate issued under the Law,
- (b) in accordance with any applicable requirements or

functions provided for under the Law or by or under any other enactment,

(c) in accordance with any code or anything otherwise done or issued under the Law or any other enactment and any European Union legislation, and

(d) in accordance with the terms and conditions of any relevant exception under the Law,

"licence" means a licence issued under the Law,

"licence order" : see section 72(1),

"licensed slaughterman" means a person licensed to slaughter the species of animal in question under section 26,

"licensee" means a person who holds a licence,

"livestock" means any animal kept for the production of food, wool, skin, fur, feathers or any other animal product or for use in the farming of land,

"Magistrate's Court" means the Magistrate's Court constituted under section 1 of the Magistrate's Court (Guernsey) Law, 2008^t,

"medicated feeding stuff" has the meaning in section 133(4) of the

^t Order in Council No. XVIII of 2009; as amended by Ordinance No. XXII of 2009.

Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008,

"**medicinal product**" has the meaning in section 133(1) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008,

"**notice**" means notice in writing,

"**notify**" means notify in writing and related expressions shall be construed accordingly,

"**owner**" in relation to land includes an usufrutier,

"**pet animal**" means an animal kept by man for interest, as a hobby or for companionship,

"**poison**" includes -

- (a) any substance which is a "**poisonous substance**" within the meaning of any regulations made under the Poisonous Substances (Guernsey) Law, 1994^u,
- (b) any other poisonous or injurious drug, product or substance, and
- (c) any other substance which, by virtue of the quantity or manner in which it is administered or taken, has the effect of a poisonous or injurious drug, product or

^u Ordres en Conseil Vol. XXXV(1), p. 388; the current regulations made under the Law are G.S.I. No. 26 of 1995.

substance,

"police officer" means a member of the salaried police force of the Island of Guernsey and in relation to Guernsey, Herm and Jethou, and within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

"PPACE" means the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003,

"premises" includes -

- (a) any land, vehicle or aircraft,
- (b) any ship within the meaning of section 294 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002^v, and
- (c) any other place (whether enclosed or not),

"prescribed" means prescribed by regulations of the Department,

"public" includes a section of the public,

"public place" means a place to which members of the public have or are permitted to have access, whether or not for payment,

^v Order in Council No. VIII of 2004 to which there are amendments not relevant to this Ordinance.

"**recognised veterinary surgeon**" has the meaning in section 8 of the Veterinary Surgery and Animal Welfare Ordinance, 1987^w,

"**repealed enactments**" means the enactments, and parts of enactments, including those listed in Schedule 4, which are repealed under the Law,

"**Royal Court**" means the Royal Court sitting as an Ordinary Court which, for the purposes of this Ordinance, may be validly constituted by the Bailiff sitting alone,

"**school**" has the meaning in section 1(1) of the Education (Guernsey) Law, 1970^x,

"**seizure order**" : see section 70(5),

"**States**" means the States of Guernsey,

"**States Veterinary Officer**" means the States Veterinary Officer or, if he is not available, any recognised veterinary surgeon,

"**stray animal**" means any domestic animal that has wandered or escaped from its normal place of confinement and is not under the supervision or control of its owner or keeper,

^w Recueil d'Ordonnances Tome XXIV, p. 51; as amended by Ordres en Conseil Vol. XXXI, p. 278. This Ordinance is applied, with modifications, to Alderney by Alderney Ordinance No. XVIII of 1994.

^x Ordres en Conseil Vol. XXII, p. 318 to which there are amendments not relevant to this Ordinance.

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

"**suffering**" means physical or mental suffering or distress and related expressions shall be construed accordingly,

"**uniform scale**" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^y,

"**unnecessary**" in relation of killing, injury, ill-treatment or suffering: see section 1(3) and related expressions shall be construed accordingly,

"**vertebrate**" means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and "**invertebrate**" means any animal not of that Sub-phylum,

"**veterinary medicinal product**" has the meaning in section 78 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008,

"**video recording**" : see section 4(5),

"**wild animal**" means any animal, including a feral animal, which is or was, before it was killed or taken, living in a wild state,

^y Ordres en Conseil Vol. XXXI, p. 278; for the current scale of fines see Recueil d'Ordonnances Tome XXXI, p. 542.

"**working day**" is any day other than a Saturday, a Sunday and a non-business day within the meaning of section 1(1) of the Bills of Exchange (Guernsey) Law, 1958^z,

and other expressions have the same meaning as in the Law.

(2) Any reference under the Law to any expenses reasonably incurred in seizing, detaining, taking into possession or caring for an animal or in carrying out a court order providing for the same shall, for the avoidance of doubt, be construed as including any such expenses reasonably incurred in carrying out any veterinary treatment which is given to an animal in the course of the same.

(3) Any reference in this Ordinance to an owner or occupier of premises shall be construed, where premises comprise a vehicle, ship or aircraft as referring to the master, commander or other person in charge of the same.

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

Transitional provisions and savings.

82. (1) Schedule 3, which makes transitional provisions and savings, has effect.

(2) Subject to the provisions of Schedules 3 and 4 -

^z Ordres en Conseil Vol. XVII, p. 384; as amended by Vol. XXIV, p. 84; and Vol. XXXIV, p. 504.

- (a) any reference, however expressed, in any enactment, or part of any enactment, to any of the repealed enactments shall be construed, unless the contrary intention appears, as a reference to the corresponding provision of an enactment made under the Law, and
- (b) section 19(2) of the Interpretation (Guernsey) Law, 1948^{aa} shall, for the avoidance of doubt, apply to any subordinate legislation revoked under the Law as it applies to a Law or Ordinance repealed under the Law.

Consequential repeals, revocations and amendments.

83. Schedule 4, which makes consequential repeals, revocations and amendments, has effect.

Extent.

84. This Ordinance extends to the territorial waters adjacent to Guernsey.

Citation.

85. This Ordinance may be cited as the Animal Welfare (Guernsey) Ordinance, 2012.

Commencement.

86. This Ordinance shall come into force on such day as the Department may by Order appoint, and different days may be so appointed for different provisions of this Ordinance or for different purposes.

^{aa} Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE 1

Section 2(1)(a)

PROHIBITED OPERATIONS

The following procedures are prohibited -

- (a) freeze dagging of sheep,
- (b) short-tail docking of sheep, unless sufficient tail is retained to cover the vulva in the case of female sheep and the anus in the case of male sheep,
- (c) tongue amputation in cattle,
- (d) hot branding of cattle,
- (e) tail docking of cattle,
- (f) devoicing of cockerels,
- (g) castration of a male bird by a method involving surgery,
- (h) in relation to any animal, the amputation of the penis or other penial operations,
- (i) fitting any appliance which has the object or effect of limiting vision to a bird by a method involving the penetration or other mutilation of the nasal septum,

- (j) tail docking of a pig unless the operation is carried out by the quick and complete severance of the part of the tail to be removed and -
 - (i) the pig is less than 7 days old, and
 - (ii) the operation is carried out by a recognised veterinary surgeon who is of the opinion that the operation is necessary for reasons of health or to prevent injury from the vice of tail biting,
- (k) removal of any part of the antlers of a deer before the velvet is frayed and the greater part has been shed,
- (l) removal of any bone or part of a bone from the tail of an equine animal, or the severance of any tendon or muscle in the tail of an equine animal, and
- (m) tail or ear docking, and the removal of the dew claws, of a dog.

SCHEDULE 2

Section 26

ACTIVITIES REQUIRING A LICENCE

1. (1) The provision, on a regular basis, at any premises of care for five or more animals which -

- (a) are, or reasonably appear to be, ill, injured, infirm, abandoned or strays,
- (b) have reached the end of their economic lives,
- (c) are rehoused from premises that have closed or at which a business has ceased to operate,
- (d) are no longer required, or can no longer be kept, by the owner or keeper, or
- (e) have been seized with lawful authority,

other than where such care is carried out as part of the practice of a recognised veterinary surgeon.

(2) In this paragraph, "care" includes treatment, rehabilitation and accommodation (on a temporary or permanent basis).

2. The keeping of animals, in the course of a business -

- (a) wholly or mainly for the purpose of exhibition to the public at any premises to which members of the

public have access, with or without charge, and

- (b) on 7 days or more in any period of 12 consecutive months.

3. The keeping or use of any animal, in the course of a business, wholly or mainly for the purpose of performing tricks or manoeuvres for reward for the entertainment of the public at a circus, public display or in any other way.

4. (1) The training or conditioning of an animal, in the course of a business, to perform an act or to display part of its natural behaviour for the purpose of such act or behaviour being displayed, or recorded and sold, to the public in any way including by -

- (a) being exhibited at a circus or other public display,
- (b) being filmed for public viewing or for sale to the public by purchase of a video recording or otherwise, or
- (c) being broadcast by television, radio or the internet or in any other way.

5. (1) The provision, in the course of a business, of accommodation for other people's animals at any premises other than where such care or accommodation is provided as part of the practice of a recognised veterinary surgeon.

(2) For the avoidance of doubt, subparagraph (1) does not include the provision of accommodation for an animal which is staying at premises with its

owner or keeper.

6. (1) The keeping of 5 or more female animals at any premises, in the course of a business, with the intention of breeding for sale.

(2) Subparagraph (1) does not include the keeping of female animals at premises in the course of the keeping and breeding for sale of livestock.

7. (1) The rearing of five or more infant or young animals, in the course of a business, at any premises, with a view to their sale.

(2) Subparagraph (1) does not include the rearing of infant or young animals at premises in the course of the keeping and breeding of livestock.

8. The keeping of fish at any premises, in the course of a business, where they are kept in confined waters and bred, hatched and reared with a view to their sale or to their transfer to other waters.

9. The keeping of animals on any premises, in the course of a business, for the production of fur, hides or feathers.

10. The keeping on any premises, in the course of a business, of five or more dogs which are used to guard persons, premises or other property for reward.

11. The keeping of horses, in the course of a business, on any premises for the purpose of their being -

(a) let out on hire for riding, or

(b) used in providing, in return for payment, instruction

in riding.

12. The offering for sale of animals as pet animals, in the course of a business, at any premises and the keeping of animals at any premises, whether or not by the person carrying on the business of selling the animals as pet animals, with a view to such sale.

13. (1) The slaughtering of animals for any purpose, the stunning of animals with a view to the same or the keeping and confinement of animals whilst awaiting such slaughter or stunning in each case -

- (a) in the course of a business, and
- (b) at any premises other than those operated for, or on behalf of, the States.

(2) Subparagraph (1) does not apply to the carrying out of such activities where the same are carried out as part of the practice of a recognised veterinary surgeon.

14. Work in connection with -

- (a) the preparation or treatment of the foot of a horse for the immediate reception of a horse shoe,
- (b) the fitting by nailing or otherwise of a horse shoe to the foot of a horse, or
- (c) the finishing off of any such work to the foot.

SCHEDULE 3

Section 82

TRANSITIONAL PROVISIONS AND SAVINGS

Licences.

1. (1) A licence issued by the Department under the Slaughter of Animals (Use of Humane Killers) Ordinance, 1948^{bb} and in force immediately before the commencement of Part VI shall be deemed to -

(a) be a licence issued under section 26 of this Ordinance, and

(b) comply with any provisions of this Ordinance as to the matters which must be included in the licence.

(2) Where an activity set out in subparagraph (3) is being carried on immediately before the commencement of the relevant Part of this Ordinance, such activity shall, with effect from the commencement of the relevant Part of this Ordinance, be deemed to be one in respect of which a licence has been issued under the relevant Part of this Ordinance provided that an application for a licence to carry on such an activity is made to the Department -

(a) in accordance with section 41(1), and

(b) within three months starting from the date of the commencement of the relevant Part of this

^{bb} Recueil d'Ordonnances Tome VIII, p. 21 as amended by Recueil d'Ordonnances Tome XXVII, p. 56.

Ordinance.

- (3) The activities referred to in subparagraph (2) are -
 - (a) an activity set out in Schedule 2 other than the slaughtering of animals for any purpose, and
 - (b) an animal experiment activity.
- (4) The deemed licence shall remain valid until -
 - (a) the application to carry on the activity in question is granted by the Department, or
 - (b) if such an application is refused -
 - (i) the expiry of the period for appealing against the refusal under section 66,
 - (ii) where an appeal is duly instituted against the refusal, the date the appeal is finally determined or withdrawn, or
 - (iii) the expiry of a period of twelve months starting from the date of the commencement of the relevant Part of this Ordinance,

whichever is the later.
- (5) For the avoidance of doubt, subparagraph (4) shall not

prevent the revocation or suspension of a deemed licence by the Department under section 45(c), (d) or (e) before the expiry of the period of validity referred to in that subparagraph.

(6) In this paragraph "**the relevant Part of this Ordinance**" means -

- (a) in relation to an activity set out in Schedule 2, Part VI, or
- (b) in relation to an animal experiment activity, Part VII.

Anything done under or for the purposes of the Stray Dogs Ordinance, 1941.

2. (1) Anything done under or for the purposes of the Stray Dogs Ordinance, 1941 before the commencement of Part V shall, to the extent that the same is required or authorised to be done under or for the purposes of Part V, have effect as if done under or for the purposes of the equivalent provision of Part V.

(2) Anything in the process of being done under or for the purposes of the Stray Dogs Ordinance, 1941 before the commencement of Part V may, to the extent that the same is required or authorised to be done under or for the purposes of Part V, be continued to be done under or for the purposes of the equivalent provision of Part V.

Authorisations and certificates under the Protection of Wild Birds Ordinance, 1949.

3. (1) An authorisation in writing issued by the Department under

section 3 of the Protection of Wild Birds Ordinance, 1949^{cc} and in force immediately before the commencement of Part IV shall be deemed to -

- (a) be a licence issued under section 20, and
- (b) comply with any provisions of this Ordinance as to the matters which must be included in the licence.

(2) A certificate granted by the Minister of the Department under section 4(1)(a) of the Protection of Wild Birds Ordinance, 1949 and in force immediately before the commencement of Part IV shall be deemed to -

- (a) be a licence issued under section 22, and
- (b) comply with any provisions of this Ordinance as to the matters which must be included in the licence.

(3) A certificate granted by the Minister of the Department under section 4(1)(b) of the Protection of Wild Birds Ordinance, 1949 and in force immediately before the commencement of Part IV shall be deemed to -

- (a) be a licence issued under section 15, and
- (b) comply with any provisions of this Ordinance as to the matters which must be included in the licence.

^{cc} Recueil d'Ordonnances Tome IX, p. 306 as amended by Recueil d'Ordonnances Tome XIV, p. 102; Tome XIX, p. 338; Tome XXII, p.136, Tome XXIII p. 258; Tome XXXI, pp. 260 and 567.

Directions under the Control of Birds Ordinance, 1985.

4. Where a direction has been issued by the Department under section 2 of the Control of Birds Ordinance, 1985 before the commencement of section 83 of this Ordinance, insofar as that section 83 applies to the repeal of parts of that 1985 Ordinance -

- (a) in the circumstances set out in section 1(a), (b) or (c) of that Ordinance, and
- (b) the action required by that direction has not yet been completed immediately before the date on which section 83 of this Ordinance, insofar as it applies to the repeal of parts of the 1985 Ordinance, comes into force,

the provisions of the Control of Birds Ordinance, 1985 shall continue to apply in relation to that direction as if paragraphs (a) to (c) of section 1 of that Ordinance had not been repealed and as if Part IV and section 83 of this Ordinance were not in force.

Code of Recommendation under the Veterinary Surgery and Animal Welfare Ordinance, 1987.

5. The Code of Recommendations for the Welfare of Livestock^{dd} -

- (a) shall continue to have effect as it had effect immediately before the commencement of -

^{dd}

G.S.I. No. 13 of 1995.

- (i) Part III of this Ordinance, and
 - (ii) section 83, insofar as that section applies to the repeal of Part IV of the Veterinary Surgery and Animal Welfare Ordinance, 1987, and
- (b) shall be deemed to have been issued under section 13(1)(a) of this Ordinance.

SCHEDULE 4

Section 83

CONSEQUENTIAL REPEALS, REVOCATIONS AND AMENDMENTS

Repeal of Ordinances relating to protection of pigeons.

1. The Ordonnance pour la Protection des Pigeons, 1933^{ee} and the Protection of Pigeons (Amendment) Ordinance, 1985^{ff} are repealed.

Repeal of Stray Dogs Ordinances, 1941 to 1990.

2. The Stray Dogs Ordinance, 1941, the Stray Dogs (Amendment) Ordinance, 1952^{gg}, the Stray Dogs (Amendment) Ordinance, 1979^{hh}, the Stray Dogs (Amendment) Ordinance, 1988ⁱⁱ and the Stray Dogs (Amendment) Ordinance, 1990^{jj} are repealed.

Repeal of Protection of Wild Birds Ordinances, 1949 to 1981.

3. The Protection of Wild Birds Ordinance, 1949, the Protection of Wild Birds (Amendment) Ordinance, 1965^{kk}, the Protection of Wild Birds (Amendment) Ordinance, 1974^{ll} and the Protection of Wild Birds (Amendment)

^{ee} Recueil d'Ordonnances Tome VIII, p. 301 as amended by Recueil d'Ordonnances Tome XXIII, p. 262.

^{ff} Recueil d'Ordonnances Tome XXIII, p. 262.

^{gg} Recueil d'Ordonnances Tome X, p. 315.

^{hh} Recueil d'Ordonnances Tome XXI, p. 286.

ⁱⁱ Recueil d'Ordonnances Tome XXIV, p. 505.

^{jj} Recueil d'Ordonnances Tome XXV, p. 144.

^{kk} Recueil d'Ordonnances Tome XIV, p. 102.

^{ll} Recueil d'Ordonnances Tome XIX, p. 338.

Ordinance, 1981^{mm} are repealed.

Repeal of Slaughter Ordinances.

4. The Slaughter of Animals (Use of Humane Killers) Ordinance, 1948 and the Slaughter of Livestock (Amendment) Ordinance, 1996ⁿⁿ are repealed.

Repeal of provisions of the Pests (Control of Destruction) Ordinances, 1965 and 1982.

5. (1) Sections 1 to 3, 4A, 4B and 5 of the Pests (Control of Destruction) Ordinance, 1965^{oo} are repealed.

(2) The Pests (Control of Destruction) (Amendment) Ordinance, 1982^{pp} is repealed.

Repeal of the Protection of Animals Ordinances.

6. The Protection of Animals Ordinance, 1976^{qq}, the Protection of Animals (Amendment) Ordinance, 1986^{rr} and the Protection of Animals (Amendment) Ordinance, 1992^{ss} are repealed.

^{mm} Recueil d'Ordonnances Tome XXII, p. 136.

ⁿⁿ Recueil d'Ordonnances Tome XXVII, p. 56.

^{oo} Recueil d'Ordonnances Tome XIV, p. 103 as amended by Recueil d'Ordonnances Tome XXII, p. 161.

^{pp} Recueil d'Ordonnances Tome XXII, p. 161.

^{qq} Recueil d'Ordonnances Tome XX, p. 369 as amended by Recueil d'Ordonnances Tome XXIII, p. 472.

^{rr} Recueil d'Ordonnances Tome XXIII, p. 472

^{ss} Recueil d'Ordonnances Tome XXVI, p. 110.

Repeal of section 5 of the Summary Offences (Bailiwick of Guernsey) Law, 1982.

7. Section 5 (penalties in connection with straying animals) of the Summary Offences (Bailiwick of Guernsey) Law, 1982^{tt} is repealed insofar as it applies to Guernsey.

Repeal and amendment of provisions of the Control of Birds Ordinance, 1985.

8. (1) The Control of Birds Ordinance, 1985 is amended as follows.

(2) In section 1 (application of Ordinance) -

(a) paragraphs (a) to (c) are repealed,

(b) for paragraph (d) substitute -

"(d) to prevent the spread of disease to which birds are subject and the occurrence of any resultant threat to public health, public hygiene or public safety," and

(3) Section 7 (amendment to Ordinance of 1949) is repealed.

Repeal of provisions of the Veterinary Surgery and Animal Welfare Ordinance, 1987.

9. The following provisions of the Veterinary Surgery and Animal

^{tt} Ordres en Conseil Vol. XXVII, p. 397 to which there are amendments not relevant to this Ordinance.

Welfare Ordinance, 1987 are repealed insofar as they apply to Guernsey -

- (a) Parts I (prohibited operations) and II (use of anaesthetics),
- (b) Part IV (welfare codes), and
- (c) the definition of "livestock" in section 22 (interpretation).

Repeal of the Animal Experiments (Bailiwick of Guernsey) Law, 1992.

10. The Animal Experiments (Bailiwick of Guernsey) Law, 1992^{uu} is repealed insofar as it applies to Guernsey.

Repeal of the Protection of Game Ordinance, 1994.

11. The Protection of Game Ordinance, 1994^{vv} is repealed.

Repeal of the Code of Recommendations for the Welfare of Livestock at Slaughter, 1996.

12. The Code of Recommendations for the Welfare of Livestock at Slaughter^{ww} is revoked.

Amendment of the Firearms (Guernsey) Law, 1998.

13. In section 13(3) (slaughter of animals) of the Firearms (Guernsey)

^{uu} Ordres en Conseil Vol. XXXIV, p. 236.

^{vv} Recueil d'Ordonnances Tome XXVI, p. 337.

^{ww} G.S.I. No. 17 of 1996.

Law, 1998^{xx} for the definition of "**licensed slaughterer**" substitute -

"**licensed slaughterer**" means a person who is licensed to slaughter animals, or stun animals with a view to the same, under the Animal Welfare (Guernsey) Ordinance, 2012, ".

Repeal of section 1 of the Birds and Animal Health (Miscellaneous Provisions) (Amendment) Ordinance, 2005.

14. Section 1 (amendment of the Protection of Wild Birds Ordinance, 1949) of the Birds and Animal Health (Miscellaneous Provisions) (Amendment) Ordinance, 2005^{yy} is repealed.

Repeal of provisions of the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006.

15. Paragraph 1 of Schedule 4 (consequential amendments and repeals) to the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006 is repealed.

^{xx} Ordres en Conseil Vol. XXXVIII, p. 324 as amended by Ordres en Conseil Vol. XL, p. 24.

^{yy} Recueil d'Ordonnances Tome XXXI, p. 260 as amended by Recueil d'Ordonnances Tome XXXI, p. 567.

The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 28th July, 2010^a and in exercise of the powers conferred upon them by sections 52 and 66 of the Housing (Control of Occupation) (Guernsey) Law, 1994^b, hereby order:-

Addition of dwellings to Part A of Housing Register.

1. The Authority may inscribe in Part A of the Housing Register the dwellings known as "1 Mont Havelet Court", "2 Mont Havelet Court", and "3 Mont Havelet Court", 1 George Road, Saint Peter Port.

Applications to be made within 6 months.

2. An application to the Authority to inscribe the dwellings described in section 1 in Part A of the Housing Register must be made within a period of 6 months immediately following the date of commencement of this Ordinance.

Licences to lapse if applications not made within 6 months.

3. Should the owner of the dwellings described in section 1 fail, within a period of 6 months immediately following the date of commencement of this Ordinance, to make application to the Authority to inscribe the dwellings in Part A of the Housing Register, any housing licence held in respect of the occupation of that dwelling and valid at the expiration of that period shall thereupon cease to be valid.

^a Article X of Billet d'État No. XVII of 2010.

^b Ordres en Conseil Vol. XXXV(1), p. 75; amended by Ordres en Conseil Vol. XXXVIII, p. 193 and Vol. XLII(1), p. 34; No. VIII of 2007; No. I of 2009; and Recueil d'Ordonnances Tome XXXIII, p. 100.

Interpretation.

4. Except where the context requires otherwise, expressions used in this Ordinance have the same meanings as in the Housing (Control of Occupation) (Guernsey) Law, 1994, as amended.

Citation.

5. This Ordinance may be cited as the Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2012.

Commencement.

6. This Ordinance shall come into force on the 22nd February, 2012.

The Inheritance (Guernsey) Law, 2011 (Commencement) Ordinance, 2012

THE STATES, in exercise of the powers conferred on them by section 32 of the Inheritance (Guernsey) Law, 2011^a, hereby order:-

Commencement of Law.

1. The Inheritance (Guernsey) Law, 2011 shall come into force on the 2nd April, 2012.

Citation.

2. This Ordinance may be cited as the Inheritance (Guernsey) Law, 2011 (Commencement) Ordinance, 2012.

^a Order in Council No. XIII of 2011.

The Health Service (Benefit) (Amendment) (No.2)

Ordinance, 2011

THE STATES LEGISLATION SELECT COMMITTEE, in pursuance of the Resolution of the States of the 26th October, 2011^a, and in exercise of the powers conferred on the States by sections 13 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990^b, and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^c, hereby orders:-

Amendment of 1990 Ordinance.

1. (1) The Health Service (Benefit) Ordinance, 1990^d is further amended as follows.

(2) Immediately after section 3(2)(c), insert -

"(d) to a person who is entitled to receive attendance allowance."

^a Article X of Billet d'État No. XVII of 2011.

^b Ordres en Conseil Vol. XXXII, p. 192; Order in Council No. IX of 2003 and No. II of 2011; Recueil d'Ordonnances Tome XXVI, pp. 177, 483, and 495; Tome XXIX, pp. 182, 373, 406 and 580 and modified by Tome XXVI, pp. 484 and 491; Tome XXVII, p. 200; Tome XXVIII, p. 1; Tome XXIX, pp. 182, 196, 200 and 210; Tome XXXI, p. 628 and Tome XXXII, p. 628.

^c Ordres en Conseil Vol. XIII, p. 288; there are amendments not material to this Ordinance.

^d Recueil d'Ordonnances Tome XXV, pp. 191 and 310; Tome XXVI, pp. 185, 331, 447, 482 and 498; Tome XXVII, p. 114; Tome XXVIII, pp. 158 and 550; Tome XXIX, pp. 182, 305, 373, 426 and 590; Tome XXX, pp. 20 and 517; Tome XXXI, p. 628; Tome XXXII, p. 628; Tome XXXIII, pp. 218 and 653; Ordinance No. XLVII of 2010; the Health Service Benefit (Amendment) Ordinance, 2011, made by the States of Deliberation on 30th November 2011.

(3) In section 9(1), immediately before the definition of "the Law" insert the following definition –

""**attendance allowance**" has the meaning given by section 1(1) of the Attendance and Invalid Care Allowances (Guernsey) Law, 1984,".

Interpretation.

2. (1) Unless the context requires otherwise, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

(2) The Interpretation (Guernsey) Law, 1948^e shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

Citation.

3. This Ordinance may be cited as the Health Service (Benefit) (Amendment) (No.2) Ordinance, 2011.

Extent.

4. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Commencement.

5. This Ordinance shall come into force on the 1st January, 2012.

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