



Jersey

DISEASES OF ANIMALS (IMPORTATION OF MISCELLANEOUS GOODS AND ANIMALS) (JERSEY) ORDER 2012

Arrangement

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Jersey

DISEASES OF ANIMALS (IMPORTATION OF MISCELLANEOUS GOODS AND ANIMALS) (JERSEY) ORDER 2012

Made

24th May 2012

Coming into force

31st May 2012

THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Articles 1, 3, 4, 13, 14 and 42 of the Diseases of Animals (Jersey) Law 1956¹, orders as follows –

1 Interpretation

In this Order, unless the context otherwise requires –

“animal or item” means an animal or item indicated in the second column of the table in the Schedule;

“Council Directive 97/78/EC” means Council Directive 97/78/EC of 18th December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (O.J. No. L24 30.1.1998 page 9);

“member state” means a member State of the European Union.

2 Regulation of imports

- (1) Subject to this Order and notwithstanding anything to the contrary in the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011², a person shall not import into Jersey any animal or item indicated in the second column of the Schedule from one or more countries indicated opposite in the third column of that Schedule unless –
 - (a) the import is within the exception specified opposite in the fourth column of that Schedule; or
 - (b) the person is authorized to make the import by a licence granted by the Minister.
- (2) A licence under this Order may –

- (a) relate to any one animal or item that falls within a prohibition in the Schedule, or to more than one such animal or item;
 - (b) be granted to a particular person, to persons of a class or to all persons; and
 - (c) be granted subject to conditions specified in the licence or unconditionally.
- (3) This Order is without prejudice to the need to comply with the requirements of any other enactment which makes provision for the import into Jersey of any animal or item.

3 Provision as to licences

- (1) If –
- (a) a person makes an import under the authority of a licence under this Order (whether or not the person is named in the licence); and
 - (b) the import is not within the relevant exception (if any) specified in the fourth column of the Schedule,
- the person shall comply with any conditions to which the licence is subject.
- (2) Any licence granted under this Article may be revoked, suspended or varied at any time by the Minister.
- (3) The Minister shall, on a website maintained by the States of Jersey, publish any licence that is granted under this Order to all persons.

4 Enforcement

- (1) An inspector may, for the purpose of ensuring that the requirements of this Order, or any licence granted under this Order, are complied with –
- (a) stop any person or vehicle; and
 - (b) carry out any search, check or inspection.
- (2) A person searching a person under this Article shall not be entitled to require a person to remove any of his or her clothing other than an outer coat, jacket, headgear, gloves and footwear.
- (3) A search of a person under this Order must be carried out by someone of the same sex.
- (4) An inspector may seize, or cause to be seized any animal or item which there is reason to believe has been landed in Jersey in contravention of this Order or any licence granted under this Order.
- (5) Where an animal has been seized under paragraph (4), an inspector may, without prejudice to any proceedings arising from any such contravention and subject to such conditions as the inspector thinks fit –
- (a) move the animal, or cause it to be moved, to such premises for such period as the inspector may direct; or
 - (b) export it from Jersey, or cause it to be exported.

- (6) The owner of an animal or item shall be liable for the cost of any action taken by an inspector under paragraph (4) or (5).
- (7) The Minister may arrange for the disposal of any animal or item landed in Jersey in contravention of this Order, or a licence granted under this Order, and may recover any expenses reasonably incurred in so doing from the owner of the animal or item on demand as a civil debt.
- (8) This Article is without prejudice to any power conferred on an inspector under the Diseases of Animals (Jersey) Law 1956.
- (9) Nothing in this Article shall affect the powers of the officers of the Impôts to seize or detain as liable to forfeiture under the Customs and Excise (Jersey) Law 1999³ an animal or item which is landed in Jersey in contravention of this Order or to institute legal proceedings under that Law in respect of such contravention.

5 Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011 amended

In the Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011⁴ –

- (a) in Article 1(2)(a) after the words “specified in the Schedule” there shall be added the words “to the Rabies Order”; and
- (b) in Article 4(1) after the words “has in his or” there shall be inserted the word “her”.

6 Diseases of Animals (Importation of Miscellaneous Goods) (Jersey) Order 1958 revoked

The Diseases of Animals (Importation of Miscellaneous Goods) (Jersey) Order 1958⁵ is revoked.

7 Citation and commencement

This Order may be cited as the Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012 and shall come into force 7 days after it is made.

DEPUTY R.C. DUHAMEL OF ST. SAVIOUR

Minister for Planning and Environment

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(Article 2)

PROHIBITIONS

Prohibition Number	Animal or item	Country of origin	Exceptions
1	Hay, straw, reed, grass meal and cubes and mixtures containing grass meal.	All countries, excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
2	Fertilizers of any description.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
3	Peat of any description, moss litter and leaf mould.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
4	Animals with a cloven hoof.	All countries.	
5	Ova and embryos of animals with cloven hoofs.	All countries.	This prohibition does not apply in relation to the import of an embryo of a domestic animal of the bovine species to the extent that such import is subject to, and complies with, the Community Provisions (Bovine Embryos) (Jersey) Regulations 2010 ⁶ .
6	Coypu.	All countries.	
7	Grey Squirrel.	All countries.	
8	Muskrat.	All countries.	

Prohibition Number	Animal or item	Country of origin	Exceptions
9	Fox.	All countries.	
10	Mink.	All countries.	
11	Live lobsters of the species <i>Homarus americanus</i> .	All countries.	
12	Reptiles.	All countries.	
13	Amphibians.	All countries.	
14	Rawhide.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
15	Unboiled fats.	All countries excluding member states, Liechtenstein, Switzerland, Iceland, Norway, the Bailiwick of Guernsey and the Isle of Man.	
16	All feeding stuffs containing protein originating from animals.	All countries.	This prohibition shall not apply to – (a) milk and milk products; (b) dicalcium bone phosphate; (c) dog biscuits and similar manufactured dog foods containing bone meal or meat meal.
17	All products of animal origin as defined in the definition “products” in Article 2(2)(a) of Council Directive 97/78/EC.	All countries excluding member states, Liechtenstein, Switzerland, Norway, the Bailiwick of Guernsey, the Isle of Man, Andorra, San Marino, and, in respect of personal	The prohibition shall not apply to the extent that such products are not subject to Chapter 1 of Council Directive 97/78/EC by virtue of the following provisions – (a) Article 16 of that Directive; and (b) (where applicable) Article 2 of Commission Regulation (EC) No. 206/2009 of 5th March 2009 on the introduction into the

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Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012

Prohibition Number	Animal or item	Country of origin	Exceptions
		consignments of fishery products only, the Faroe Islands and Iceland.	Community of personal consignments of products of animal origin (O.J. No. L77 24.3.2009, page 1).

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- ¹ *chapter 02.400*
² *chapter 02.400.70*
³ *chapter 24.660*
⁴ *chapter 02.400.23*
⁵ *R&O.3964 (chapter 02.400.20)*
⁶ *chapter 17.245.86*