
**ANIMALS (OWNERSHIP AND LICENSING OF UNGULATES)
RULES 2019****Subsidiary
2019/016**

Subsidiary Legislation made under s.26 of the Animals Act

**ANIMALS (OWNERSHIP AND LICENSING OF UNGULATES)
RULES 2019****(LN. 2019/016)***Commencement* **31.01.2019**

Amending enactments	Relevant current provisions	Commencement date
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ARRANGEMENT OF RULES.

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In exercise of the powers conferred on it by section 26 of the Animals Act, the Minister with responsibility for the environment has made the following Rules-

Title and commencement.

1. These rules may be cited as the Animals (Ownership and Licensing of Ungulates) Rules 2019 and come into operation on the day of publication.

Interpretation.

2. In these rules, unless the context otherwise requires, –

“authorised officer” means a person authorised by the Chief Environmental Health Officer to undertake the functions and powers attributed to the Chief Environmental Health Officer under and for the purposes of these Rules;

“competent authority” means the Environmental Agency Limited;

“ungulate” means a hoofed mammal and includes horses, pigs, cows, deer, buffalos and antelopes, whether wild or domestic.

Prohibition of importation of ungulates.

3.(1) No person shall import or bring into Gibraltar any ungulate except under the authority of and in accordance with the provisions of a licence issued by the Chief Environmental Health Officer.

(2) The licence of the Chief Environmental Health Officer shall be in writing and shall contain such conditions as the Chief Environmental Health Officer may think fit.

Detention of ungulates illegally imported.

4.(1) If any ungulate is imported or brought into Gibraltar in contravention of these rules, the Chief Environmental Health Officer or an authorised officer may serve on any person having the control or custody of the ungulate a notice in writing requiring him at the expense of the owner of the ungulate or the person on whom the notice was served to detain or isolate the ungulate subject to any conditions imposed by the notice and to subject it to, or to permit it to be subjected to, such examinations and tests as the Chief Environmental Health Officer or the authorised officer may determine.

(2) If any person on whom such a notice is served fails to comply with the requirements thereof it shall be lawful for the Chief Environmental Health Officer or an authorised officer, without prejudice to any proceedings for an offence arising out of such default, to seize the ungulate in respect of which

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the notice was served, and to detain or isolate it and subject it to such examinations and tests as he may determine.

(3) A person who has failed to comply with the terms of any such notice shall give all necessary facilities to the Chief Environmental Health Officer or an authorised officer to enable him to exercise the power conferred on the Chief Environmental Health Officer or the authorised officer by subrule (2), and the reasonable expenses incurred by the Chief Environmental Health Officer or the authorised officer in exercising such power shall be recoverable as a civil debt from the owner of the ungulate or the person on whom the notice was served.

Removal of ungulates from Gibraltar.

5.(1) The Chief Environmental Health Officer or an authorised officer may serve a notice in writing on the owner of a person in charge of any ungulate requiring the exportation of such ungulate immediately or within such time as he may state in the notice if-

- (a) there has been a failure to comply with any condition of a licence permitting the importation of such ungulate; or
- (b) the ungulate has been imported into Gibraltar in contravention of these rules.

(2) If such ungulate is not removed within such time as is stated in the notice, the Chief Environmental Health Officer may cause it to be destroyed.

Licence.

6.(1) No person shall keep an ungulate except under the authority of and in accordance with the provisions of a licence issued by the Chief Environmental Health Officer in accordance with rule 8.

(2) A licence shall contain such conditions as the Chief Environmental Health Officer may consider appropriate including but not limited to-

- (a) the term for which the licence is valid;
- (b) the premises at which the ungulate is authorised to be kept; and
- (c) the implantation in the ungulate of a microchip in accordance with rule 13.

Application for licence.

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7. A person making an application for a licence required under rule 6(1) shall submit with that application details of the premises at which it is proposed to keep the ungulate including but not limited to photographic proof and dimensions of the said premises and any other details or information required by the Chief Environmental Health Officer or an authorised officer.

Grant of licence.

8. In deciding whether to grant a licence required under rule 6(1) the Chief Environmental Health Officer or an authorised officer may carry out an inspection of the premises at which it is proposed to keep the ungulate in respect of which a licence is being sought and the Chief Environmental Health Officer shall only grant such licence if having taken all circumstances into consideration he is satisfied that-

- (a) the premises at which it is proposed to keep the ungulate are adequate in size, condition, location and any other aspect that is material to the welfare of the ungulate; and
- (b) the person making the application has the means and ability including but not limited to knowledge of animal husbandry to adequately care for the ungulate.

Inspections.

9. Any officer of the competent authority or person appointed to act for and on behalf of the competent authority may inspect the premises at which it is proposed to keep the ungulate in respect of which a licence is being sought or at which the ungulate in respect of which a licence has been granted is kept and samples may be taken and any other information may be gathered for the performance of the duties under these rules of the Chief Environmental Health Officer or competent authority.

Authorised premises

10. Ungulates licensed by the Chief Environmental Health Officer under rule 6(1) shall only be kept at the premises authorised for that purpose as stipulated in the licence.

Movement of ungulates

11.(1) No person shall move or allow to be moved any ungulate from or to authorised premises except under the authority of and in accordance with the provisions of a licence issued by the Chief Environmental Health Officer.

(2) In applying for a licence under subrule (1) the keeper of the ungulate shall produce to the Chief Environmental Health Officer or an authorised officer a document certified in writing and signed by a veterinary surgeon to the effect that the ungulate is free from disease and in deciding whether to

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grant such a licence the Chief Environmental Health Officer must satisfy himself that it is safe for the ungulate to be moved to or from authorised premises.

Notifications to the competent authority

12. The keeper of an ungulate shall as soon as practicable inform the competent authority of-

- (a) the birth of an ungulate;
- (b) the death and cause of death of an ungulate; and
- (c) any disease suffered by an ungulate,

save that in the case of subrule (b) such death shall in any event be communicated to the competent authority within a period of twenty-four hours from the time of death.

Microchips

13.(1) A microchip implanted in an ungulate must-

- (a) generate a unique number when read by a scanning device;
- (b) be implanted by a competent person (if implanted in Gibraltar);
- (c) comply with either ISO standard 11784:1996 or Annex A to ISO standard 11785:1996 of the International Standards Organisation's standards for microchips; and
- (d) be registered in the ungulates register.

(2) The ungulates register shall record the unique number generated by the microchip.

(3) For the purpose of this section a competent person means a veterinary surgeon, a veterinary nurse acting under the direction of a veterinary surgeon, or a person who has received instruction on how to implant a microchip from a veterinary surgeon and is acting under the direction of a veterinary surgeon.

Register

14. The competent authority shall keep and maintain a register of ungulates in Gibraltar to include details in respect of births, deaths, causes of death, microchip numbers and incidents of disease and the competent authority shall use its best endeavours to ensure that the register is up to date.

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15. In the event of the death of an ungulate the carcass shall be disposed of in such manner and at such place as directed by the competent authority and the burial, cremation or disposal by any other means or in any other place not directed by the competent authority is strictly prohibited.

Offences

16. A person who contravenes any provision of these rules or fails to comply with any requirement lawfully made of him under these rules is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.