

# PROJET DE LOI

ENTITLED

## **The Rabies (Bailiwick of Guernsey) Law, 1975 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XXV, p. 368; as amended by the Rabies (Bailiwick of Guernsey) Law, 1975 (Amendment) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 20). See also the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).

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## **The Rabies (Bailiwick of Guernsey) Law, 1975**

**THE STATES**, in pursuance of their Resolution of the fourth day of June, nineteen hundred and seventy-five, 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.

### **General powers of the Committee.**

1. (1) Subject to the provisions of this Law and of any Ordinance made thereunder, the Committee may, from time to time, by order make such provision as it may deem necessary or expedient for preventing or limiting infection with rabies.

(2) Without prejudice to the generality of the foregoing subsection, the Committee may, from time to time by order, in particular, provide for all or any of the following matters –

- (a) prohibiting or regulating the import or export of animals,
- (b) the granting of licences for the import or export of animals and the imposition of conditions upon such licences,
- (c) the prescribing of ports and airports at which alone

*Consolidated text*

animals may be imported or exported,

- (d) prohibiting or regulating the transshipment of animals or the movement of animals between Islands of the Bailiwick,
- (e) for requiring animals which may be carriers of rabies to be kept in quarantine in such cases, for such periods and under such conditions as may be prescribed by the order,
- (f) seizing, detaining in quarantine, exporting, destroying or otherwise disposing of any animal in respect of which there is reason to believe that a breach of any order or condition relating to import or quarantine has been committed,
- (g) collecting the expenses of keeping an animal in quarantine and the disposal or destruction of an animal if such expenses are not paid by, or on behalf of, the owner,
- (h) prescribing the cases in which places and areas are to be declared to be infected with rabies and the authority, mode and conditions by, in and on which declarations in that behalf are to be made, and the effect and consequences thereof, the duration and discontinuance thereof, and other matters connected therewith,

*Consolidated text*

- (i) the publication by placards, handbills, or otherwise, in the immediate neighbourhood of an infected place or area of the fact that such place or area has been declared to be infected with rabies,
- (j) prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area or any Island of the Bailiwick in which there is an infected place or area,
- (k) prescribing and regulating the isolation or separation of animals being in an infected place or area,
- (l) prohibiting or regulating the destruction, burial, disposal or treatment of carcasses, food, bedding, litter, utensils, or other things being in an infected place or area, or removed thereout,
- (m) prescribing and regulating the cleansing and disinfection of infected places and areas or parts thereof,
- (n) prescribing methods of confinement and control of animals in an Island where infection with rabies has occurred or is suspected,
- (o) the isolation, destruction or detention under observation of animals affected or suspected of being affected with rabies,

*Consolidated text*

- (p) entry upon land, ships and aircraft,
- (q) the vaccination, inoculation, inspection, treatment or pathological testing of an animal by a veterinary surgeon,
- (r) prohibiting or regulating the keeping and importation of rabies virus in any form and the deliberate introduction of the virus into animals,
- (s) the notification of the fact that an animal is affected or suspected of being affected with rabies,
- (t) any matter ancillary to those set out in the foregoing paragraphs of this subsection.

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**NOTE**

*The following Orders have been made under section 1:*

*Rabies (Alderney) (Amendment) Order, 2000;  
Rabies Order, 2004.*

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**Infected areas—destruction of wild animals.**

2. (1) The Committee may by order provide for the destruction in an infected area, by persons authorised in accordance with the order, of such wild animals as may be prescribed by the order (not being animals held in captivity).

(2) An order made by virtue of subsection (1) of this section may make provision for –

*Consolidated text*

- (a) authorising any person to enter any land (other than a dwelling-house) for the purpose of carrying out, or of deciding whether to carry out, the destruction there of animals in accordance with the order,
- (b) authorising the erection of fences or other obstacles to restrict the movement of animals into and out of an area where destruction is carried out,
- (c) regulating the ownership and disposal of the carcasses of animals destroyed in accordance with the order,
- (d) prohibiting any person from obstructing the destruction of animals in accordance with the order and from interfering with the carcasses of animals destroyed,
- (e) authorising the use of methods of destruction which would otherwise be unlawful.

(3) An order made by virtue of subsection (1) of this section shall include provision as to the steps to be taken to inform the occupier of any land where it is proposed that animals should be destroyed, and other persons who may be there, of the proposal and of the methods of destruction to be used.

**Infected areas—additional powers.**

3. (1) The Committee may, in relation to an infected area, by order make provision for all or any of the following matters –

- (a) requiring notice to be given, in such circumstances as

*Consolidated text*

may be prescribed by the order, of the death in the infected area of such domestic or wild animals as may be prescribed,

- (b) regulating the ownership and disposal of the carcasses of animals whose deaths are required to be notified by virtue of paragraph (a) of this subsection,
- (c) requiring and regulating the vaccination, confinement and control in such an area of such domestic animals and animals held in captivity as may be prescribed by the order,
- (d) authorising the seizure and detention and the disposal or destruction of any animal in respect of which any provision made by virtue of paragraph (c) of this subsection is not complied with,
- (e) authorising any person to enter any land for the purpose of seizing or destroying any animal in pursuance of the order.

(2) Any such order may provide for the division of an area into zones (whether defined by reference to distance from the places within the area where diseased animals have been found or otherwise) and for the consequences which may follow a declaration to be different for different zones.

**Orders to be laid before the States.**

4. Any order made by the Committee under the provisions of this Law shall be laid before a meeting of the States of Guernsey or the States of Alderney,

as the case may require, as soon as may be after the making thereof and if, at that meeting or the next subsequent meeting, the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the Committee of a new order.

**Compensation.**

5. (1) The States of an Island may by Ordinance prescribe the amount of compensation, if any, which shall be payable to the owner of an animal destroyed in accordance with the provisions of an order made under this Law.

(2) In this section the expression "**the States of an Island**" means

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- (a) in relation to the Island of Guernsey, the States of Guernsey,
- (b) in relation to the Island of Alderney, the States of Alderney,
- (c) in relation to the Island of Sark, the Chief Pleas of Sark.

**Offences.**

6. A person who contravenes, or attempts to contravene or fails to comply with any of the provisions of an order made under this Law or any direction given or requirement imposed under or by virtue of such an order shall be guilty of an offence under this Law and shall on conviction be liable to imprisonment for a term not exceeding twelve months or to a fine or to both.

**Interpretation.**

*Consolidated text*

7. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"animal"** means any mammal, other than man,

**"the Committee"** means –

- (a) in relation to the Islands of Guernsey, Sark, Herm and Jethou, the States of Guernsey [Agricultural and Milk Marketing Board] or such other Committee as the States of Guernsey may, from time to time, by Ordinance prescribe,
- (b) in relation to the Island of Alderney, such Committee as the States of Alderney may, from time to time, by Ordinance prescribe,

**"export"** means to send or cause to be sent from a place in the Bailiwick to a place outside the Bailiwick,

**"import"** means to bring or cause to be brought to any place in the Bailiwick from a place outside the Bailiwick,

**"infected place"** and **"infected area"** mean respectively a place or an area declared to be infected with rabies in accordance with the provisions of an order made under section one of this Law.

(2) Any power conferred by this Law to make any order shall be construed as including a power exercisable in the like manner to vary or repeal the

order.

(3) The Interpretation (Guernsey) Law, 1948<sup>a</sup>, shall apply to the interpretation of this Law throughout the Bailiwick.

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**NOTES**

*In section 7,*

*the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Rabies (Bailiwick of Guernsey) Law, 1975 (Amendment) Ordinance, 1987, section 1, with effect from 1st March, 1987;*

*the States of Guernsey Agricultural and Milk Marketing Board, referred to in the definition of the expression "the Committee" in subsection (1), has since been replaced by the States Agriculture and Countryside Board, the reference to which has since been substituted by a reference to the Commerce and Employment Department by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.*

*The functions, rights and liabilities of the Agriculture and Countryside Board and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Commerce and Employment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 2, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.*

*The following Ordinance has been made under section 7:*

*Rabies (Prescribed Committee) (Alderney) Ordinance, 1976.*

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**Repeals.**

8. The enactments set out in the Schedule to this Law are hereby repealed.

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 355.

**Citation and commencement.**

9. (1) This Law may be cited as the Rabies (Bailiwick of Guernsey) Law, 1975.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States of Guernsey.

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**NOTE**

*The Law was brought into force on 1st May, 1976 by the Rabies (Bailiwick of Guernsey) Law, 1975 (Commencement) Ordinance, 1976, section 1.*

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SCHEDULE

Section eight

ENACTMENTS REPEALED

1. The Law entitled "Loi portant règlement sur l'introduction dans les Îles de ce Bailliage de chiens venant de l'étranger", registered on the eleventh day of June, eighteen hundred and ninety-eight<sup>b</sup>.
2. The Law entitled "Loi sur l'introduction dans le Bailliage d'animaux de la race canine" registered on the twenty-ninth day of December, nineteen hundred and nine<sup>c</sup>.
3. The Law entitled "Loi supplémentaire à la loi portant règlement sur l'introduction dans les Îles de ce Bailliage de chiens venant de l'étranger" registered on the fourteenth day of December, nineteen hundred and eighteen<sup>d</sup>.

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<sup>b</sup> Ordres en Conseil Vol. III, p. 103.

<sup>c</sup> Ordres en Conseil Vol. IV, p. 296.

<sup>d</sup> Ordres en Conseil Vol. VI. p. 32.