

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

**The Veterinary Surgery and Animal Welfare
Ordinance, 1987 ***

[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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* Recueil d'Ordonnances Tome XXIV, p. 51; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278). This Ordinance is applied, with modifications, to the Island of Alderney by the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994 (Alderney Ordinance No. XVIII of 1994).

ORDINANCE OF THE STATES OF DELIBERATION

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(Made on the 25th March, 1987.)

The Veterinary Surgery and Animal Welfare Ordinance, 1987

THE STATES, in pursuance of their Resolution of the 28th day of January, 1987, hereby order: –

PART I PROHIBITED OPERATIONS

Prohibited operations.

1. Subject to section 2, no person shall carry out or cause or permit to be carried out any of the following operations –

- (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 calves,
- (d) hot branding of cattle,
- (e) tail docking of cattle,
- (f) devoicing of cockerels,

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- (g) castration of a male bird by a method involving surgery,
- (h) in relation to any animal, amputation of the penis or other penial operations,
- (i) any operation on a bird with the object or effect of impeding its flight, other than feather clipping,
- (j) 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,
- (k) 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 either –
 - (i) the pig is less than 8 days old, or
 - (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,
- (l) removal of any part of the antlers of a deer before the velvet of the antlers is frayed and the greater part of it has been shed,
- (m) removal of any bone or part of a bone from the tail of an equine animal, or severance of any tendon or

muscle in the tail of an equine animal, and in this paragraph the expression "**equine animal**" includes a stallion, gelding, colt, mare, filly, pony, mule and hinny.

NOTE

This Ordinance is applied to the Island of Alderney by the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 1, with effect from 7th December, 1994, subject to the modifications in section 2 of the 1994 Ordinance.

Exception for emergencies and veterinary treatment.

2. Section 1 does not prohibit –
- (a) the rendering, in 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.

PART II

USE OF ANAESTHETICS

Requirement to use anaesthetics.

3. Subject to section 4, no person shall, without the use of an

anaesthetic, carry out any operation on an animal which involves interference with the sensitive tissues or the bone structure of the animal.

Operations which may be carried out without anaesthetics.

4. Section 3 does not prohibit, without the use of an anaesthetic –
- (a) the making of injections or extractions by means of a hollow needle,
 - (b) the rendering, in emergency, of first aid for the purpose of saving life or relieving pain,
 - (c) the docking of the tail of a dog before its eyes are open,
 - (d) the amputation of the dew claws of a dog before its eyes are open,
 - (e) the castration of a bull, sheep, goat or pig by using a rubber ring or other device to constrict the flow of blood to the scrotum if the device is applied within the first week of life,
 - (f) the castration by any other means of a bull, sheep, goat or pig before it has reached the age of 2 months,
 - (g) subject to section 5, any minor 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,

- (h) subject to section 5, any minor operation which is not customarily carried out only by a recognised veterinary surgeon.

Operations excluded from section 4.

5. Paragraphs (g) and (h) of section 4 do not permit, without the use of an anaesthetic –

- (a) the castration of a male animal (but without prejudice to paragraphs (e) and (f) of section 4),
- (b) the dehorning of cattle,
- (c) the disbudding of calves, except by means of chemical cauterization applied within the first week of life, or
- (d) the docking of lambs' tails by using a rubber ring or other device to constrict the flow of blood to the tail unless the device is applied within the first week of life.

Meaning of "use of an anaesthetic".

6. In this Part of this Ordinance, references to the use of an anaesthetic are references to the use of an anaesthetic so administered as to prevent any pain during the operation.

PART III
RESTRICTIONS ON PRACTICE OF VETERINARY SURGERY

Practice of veterinary surgery.

7. No person shall –
- (a) subject to section 16, practise, or hold himself out as practising or as being prepared to practise, veterinary surgery,
 - (b) take or use the title of veterinary surgeon or veterinary practitioner, or any name, title, addition or description implying that he is a veterinary surgeon or is a practitioner of, or is qualified to practise, veterinary surgery,

unless he is a recognised veterinary surgeon.

Meaning of "recognised veterinary surgeon".

8. (1) A recognised veterinary surgeon is a person who is registered –

- (a) in either of the professional registers, and
- (b) in the Register of Veterinary Surgeons established under section 9.

(2) A person who ceases to be registered as mentioned in paragraph (a) or (b) of subsection (1) ceases to be a recognised veterinary surgeon.

NOTE

In its application to the Island of Alderney, section 8 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(a), with effect from 7th December, 1994.

The Register.

9. The Board shall establish and maintain a register to be called "**the Register of Veterinary Surgeons**" containing the names of persons who, under sections 10(2) and 13, are required to be registered therein.

NOTE

In its application to the Island of Alderney, section 9 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(a) and section 2(b), with effect from 7th December, 1994.

Entries in the Register.

10. (1) A person wishing to be registered in the Register of Veterinary Surgeons shall apply in that behalf to the Board in such manner as the Board may require.

(2) If the Board is satisfied that an applicant under subsection (1) is registered in either of the professional registers, it shall register him in the Register of Veterinary Surgeons by entering his name therein.

NOTE

In its application to the Island of Alderney, section 10 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(a) and section 2(b), with

effect from 7th December, 1994.

Information in support of applications.

- 11.** On an application under section 10(1) the Board –
- (a) may require the applicant to furnish such information, evidence or documentation as it considers necessary to enable it to determine whether or not the applicant is registered in either of the professional registers,
 - (b) may refuse to entertain the application if the applicant refuses or fails to furnish any such information, evidence or documentation.

NOTE

In its application to the Island of Alderney, section 11 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(b), with effect from 7th December, 1994.

Cancellation of registrations.

- 12.** The Board shall cancel the registration in the Register of Veterinary Surgeons of any person –
- (a) who to its knowledge ceases to be registered in either of the professional registers,
 - (b) who submits a written request to the Board to cancel his registration.

NOTE

In its application to the Island of Alderney, section 12 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(a) and section 2(b), with effect from 7th December, 1994.

Saving for current practitioners.

13. On the date of the commencement of this Ordinance the Board shall register in the Register of Veterinary Surgeons any person who, immediately before that date, was practising veterinary surgery by virtue of an authorisation of the Royal Court under the 1951 Ordinance.

NOTE

In its application to the Island of Alderney, section 13 is omitted in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(c), with effect from 7th December, 1994.

Inspection of registered names.

14. (1) The Board shall inform Her Majesty's Greffier of –
- (a) the name of any person registered in the Register of Veterinary Surgeons,
 - (b) any cancellation of a registration.

(2) The information provided under subsection (1) shall be available at the Greffe for public inspection free of charge whenever the Greffe is required by law to be open.

NOTE

In its application to the Island of Alderney, section 14 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(a), section 2(b), section 2(d) and section 2(e), with effect from 7th December, 1994.

Use of veterinary qualifications.

15. No person shall use, in connection with any business carried on by him or at any premises at which a business is carried on by him, a description implying that he or any person acting for the purposes of the business possesses veterinary qualifications which he does not possess.

Operations which may be carried out by unqualified persons.

16. Section 7(a) does not prohibit the carrying out of any of the following treatments and operations, unless it is excluded by section 17 –

- (a) any minor medical treatment given to an animal by the owner thereof, by another member of the household of which the owner is a member, or by a person in the employment of the owner or of any other member of such a household,
- (b) any minor surgical treatment, or minor medicinal treatment, carried out otherwise than for reward on an animal used in agriculture by the owner of the animal or by a person engaged or employed in caring for animals so used,
- (c) the rendering, in emergency, of first aid for the

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purpose of saving life or relieving pain,

- (d) the carrying out by a person over the age of 18 of any of the following –
 - (i) castration of a male animal, whether by chemical means or otherwise,
 - (ii) caponising by chemical means,
 - (iii) the tailing of a lamb,
 - (iv) the docking of the tail of a dog before its eyes are open,
 - (v) the amputation of the dew claws of a dog before its eyes are open,
 - (vi) the treatment by physiotherapy of an animal by a person acting under the direction of a recognised veterinary surgeon who has examined the animal and has prescribed the treatment by physiotherapy,
 - (vii) the removal from a fowl by means of a suitable instrument of not more than a one-third part of both its upper and lower beaks measured from the tip towards the entrances to the nostrils if carried out as a single operation,

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- (viii) the removal from a fowl by means of a suitable instrument of not more than a one-third part of its upper beak only, measured as mentioned in sub-paragraph (vii) of this paragraph, and the arrest of any subsequent haemorrhage from the beak by cauterization,
 - (ix) the desnooding of a turkey, either by manual pinching out or by means of a suitable instrument,
 - (x) the removal from any poultry of the comb or of the dependent portion of the wattles, carried out in either case by means of a suitable instrument, and
 - (xi) the vaccination of poultry,
- (e) the taking of blood, for use in diagnosis for the control or eradication of infectious disease –
- (i) from any animal, by a person who is acting under the general direction of a recognised veterinary surgeon and who is, in the opinion of the recognised veterinary surgeon, competent to take the blood, or
 - (ii) from animals other than poultry, by a person who is undergoing instruction in the taking of blood from animals and who is acting under the

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direct personal supervision of a recognised veterinary surgeon,

- (f) the carrying out by a person authorised to practise as a medical practitioner by the Royal Court under the provisions of the 1951 Ordinance of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings,
- (g) the carrying out on an animal of any treatment, test or operation by a person mentioned in paragraph (f) or by a person authorised to practise as a dentist by the Royal Court under the provisions of the 1951 Ordinance at the request of a recognised veterinary surgeon.

NOTE

In its application to the Island of Alderney, section 16 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(f) and section 2(g), with effect from 7th December, 1994.

Operations excluded from section 16.

17. The following treatments and operations are excluded from section 16 –

- (a) the castration of –
 - (i) a horse, pony, ass or mule,

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- (ii) a bull, sheep, goat or pig which has reached the age of 2 months, or
 - (iii) a cat or dog,
- (b) the desnooding of a turkey which has reached the age of 21 days,
 - (c) the removal of the combs of any poultry which have reached the age of 72 hours,
 - (d) the cutting of the toes of any poultry which have reached the age of 72 hours,
 - (e) the performance of a vasectomy or the carrying out of electro-ejaculation on any animal,
 - (f) the removal of the supernumerary teats of a calf which has reached the age of 3 months,
 - (g) the dehorning or disbudding of a sheep or goat, except the trimming of the insensitive tip of an ingrowing horn which, if left untreated, could cause pain or distress.

PART IV

WELFARE CODES

Codes of recommendations for welfare of animals.

18. The Board may –

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- (a) prepare codes containing such recommendations with respect to the welfare of livestock as it considers proper for the guidance of persons concerned with livestock, 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.

NOTES

In its application to the Island of Alderney, section 18 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(b), with effect from 7th December, 1994.

The following codes have been made under section 18:

*Code of Recommendations for the Welfare of Livestock, 1995;
Code of Recommendations for the Welfare of Livestock at Slaughter, 1996.*

Codes to be laid before States.

19. A code prepared by the Board under section 18(a) and any revision of such a code under section 18(b) –

- (a) shall be laid before the States as soon as possible after being prepared,
- (b) shall come into force on such date as the Board may determine, not being earlier than the date on which the States resolve to approve it,

- (c) shall be caused by the Board to be printed and put on sale, at such price as the Board may determine, or distributed, as soon as possible after being approved.

NOTE

In its application to the Island of Alderney, section 19 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(b), with effect from 7th December, 1994.

Liability for breach of code.

20. A failure on the part of any person to observe a provision of a code in force under section 19(b) does not of itself render him liable to any proceedings, but the failure to observe the provision may, in proceedings against him for an offence of cruelty under section 1 of the Protection of Animals Ordinance, 1976^a, be relied upon by the prosecution as tending to establish his guilt of that offence, unless it can be shown that he cannot reasonably be expected to have observed the provision in question within the period which has elapsed since it came into force.

NOTE

In its application to the Island of Alderney, section 20 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(h), with effect from 7th December, 1994.

^a Recueil d'Ordonnances Tome XX, p. 369; and No. XXVIII of 1986.

PART V
GENERAL PROVISIONS

Offences.

21. (1) A person who contravenes or fails to comply with any provision of this Ordinance is guilty of an offence and liable –

(a) on summary conviction, to a fine not exceeding [level 4 on the uniform scale],

(b) on conviction on indictment –

(i) in the case of an offence under section 7(b) or 15, to a fine not exceeding £2,000,

(ii) in the case of an offence under any other provision of this Ordinance, to imprisonment for a term not exceeding 6 months, to a fine not exceeding £2,000, or to both.

(2) A person who, in support of an application under section 10(1), furnishes any information, evidence or documentation which is false in any material particular is guilty of an offence and liable, on summary conviction, to a fine not exceeding [level 4 on the uniform scale], unless he shows to the court's satisfaction that he did not know of the falsity and could not, with reasonable diligence, have learnt of it.

NOTES

In section 21, the words and figures in square brackets were substituted by

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the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In its application to the Island of Alderney, section 21 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(i) and section 2(j), with effect from 7th December, 1994.

Interpretation.

22. In this Ordinance, unless the context otherwise requires –

(a) "**animals**" includes reptiles and birds,

"**the Board**" means the States Agricultural and Milk Marketing Board,

"**livestock**" means any creature kept for the production of food, wool, skin or fur or for use in the farming of land,

"**the 1951 Ordinance**" means the Doctors, Dentists and Veterinary Surgeons (Authorisation) Ordinance, 1951^b,

"**the professional registers**" means the register of veterinary surgeons kept under section 2 of the Veterinary Surgeons Act 1966 and the supplementary veterinary register kept under section 8 of that Act,

"**recognised veterinary surgeon**" has the meaning given by section 8,

^b Recueil d'Ordonnances Tome X, p. 171.

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"**the Register of Veterinary Surgeons**" means the register established under section 9,

"**veterinary surgery**" means the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, includes –

- (i) the diagnosis of diseases in and injuries to animals, including tests carried out on animals for diagnostic purposes,
 - (ii) the giving of advice based upon such diagnosis,
 - (iii) the medical or surgical treatment of animals, and
 - (iv) the carrying out of surgical operations on animals,
- (b) any reference to an Act of Parliament is a reference to that Act as amended, extended or re-enacted,
- (c) any reference to a section bearing a number is a reference to the section of this Ordinance bearing that number, and
- (d) any reference in any provision to a subsection or paragraph bearing a number or letter is a reference to the subsection or paragraph of that provision bearing that number or letter.

NOTES

In section 22, the States Agricultural and Milk Marketing Board, referred to in the definition of the expression "the Board" in paragraph (a), 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 Ordinance 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.

In its application to the Island of Alderney, section 22 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(a), section 2(b), section 2(k) and section 2(l), with effect from 7th December, 1994.

The Doctors, Dentists and Veterinary Surgeons (Authorisation) Ordinance, 1951 has since been repealed by the Doctors, Dentists and Pharmacists Ordinance, 1987, section 6(1), Schedule, with effect from 1st July, 1987, subject to the savings in section 6(2) and (3) of the 1987 Ordinance.

Amendment to 1951 Ordinance.

23. In the 1951 Ordinance –

- (a) in the title, repeal "Veterinary Surgeons,
- (b) in sections 1 and 2(1), repeal "or veterinary surgeon".

NOTE

In its application to the Island of Alderney, section 23 is omitted in

accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(m), with effect from 7th December, 1994.

References to authorised persons.

24. Any reference in any enactment, however expressed, to a person authorised to practise as a veterinary surgeon in Guernsey, whether reference is made to the 1951 Ordinance or not, shall be construed as a reference to a person who is a recognised veterinary surgeon within the meaning of section 8.

NOTE

In its application to the Island of Alderney, section 24 is modified in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(n), with effect from 7th December, 1994.

Extent.

25. This Ordinance has effect in the Islands of Guernsey, Herm and Jethou.

NOTE

In its application to the Island of Alderney, section 25 is omitted in accordance with the provisions of the Veterinary Surgery and Animal Welfare (Alderney) Ordinance, 1994, section 2(o), with effect from 7th December, 1994.

Citation.

26. This Ordinance may be cited as the Veterinary Surgery and Animal Welfare Ordinance, 1987.

NOTE

The Ordinance was made and came into operation on 25th March, 1987.
