

~~30 SEP 2004~~

GUERNSEY STATUTORY INSTRUMENT

2004 NO 38

THE RABIES ORDER, 2004

Made	29 September 2004
Laid before the States	2004
Coming into effect	1 October 2004

The States Commerce and Employment Department, in pursuance of the powers conferred upon it by Section 1 of the Rabies (Bailiwick of Guernsey) Law, 1975 (a), as amended (b), and all other powers enabling it in that behalf hereby orders:

PART I REGULATION OF IMPORTATION AND EXPORTATION OF ANIMALSImportation of Animals

- 1 The importation of any animal specified in Part I of Schedule 1 is prohibited.

Importation of Animals into Quarantine

- 2 The provisions of Section 1 shall not apply in the case of an animal imported into the Islands under the authority of a licence issued by the Department.
- 3 An animal imported into the Islands under the authority of a licence issued under the provisions of Section 2 shall be:
- (i) imported at an approved port of entry specified in Schedule 2,
 - (ii) detained by an approved carrying agent at the time and place of importation and transported directly to an approved place of quarantine by such an approved carrying agent; and
 - (iii) detained at such an approved place of quarantine for a period of 6 calendar months, or in exceptional circumstances, such period as the Department may, in writing, specify.
- 4 It shall be the duty of the owner or person in charge of an animal imported into the Islands under the authority of a licence issued under the provisions of Section 2 to present such an animal to an approved carrying agent for detention and transportation as specified in Section 3(ii).

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- (a) Ordres en Conseil Volume XXV, p.368.
(b) Recueil d'Ordonnances, Tome XXIV, p.20.

- 5 Notwithstanding the provisions of Section 3(iii), a vampire bat imported into the Islands under the authority of a licence issued under the provisions of Section 2, shall be detained in quarantine for life at such place as the Department may, in writing, authorise, and any progeny born to such an animal shall also be detained at such a place for life.
- 6 Any progeny born to an animal held in an approved place of quarantine shall be detained at such facility for the remainder of such period of quarantine applying to the dam.
- 7 The Department may specify in a licence issued under the provisions of Section 2 that one or more animals may be held together at an approved place of quarantine subject to any additional conditions that it may attach to such a licence.
- 8 An animal held in quarantine in another country or territory may be imported into the Islands under the authority of a licence issued by the Department and held at an approved place of quarantine for such period as the Department may direct as will ensure that such an animal is detained and isolated in quarantine for an aggregate period of not less than 6 months from the date of its landing in such other country or territory.
- 9 An animal held at an approved place of quarantine shall be vaccinated against rabies using such vaccine and in accordance with such protocols as the States Veterinary Officer shall specify.
- 10 An animal held at an approved place of quarantine may not be moved from such a place before the 6 month term of quarantine expires other than:
 - (i) to another approved place of quarantine,
 - (ii) to a place for exportation from the Islands; or
 - (iii) in exceptional circumstances, to a veterinary surgeon, for treatment that cannot be administered at the place of quarantine.
- 11 Animals moved in accordance with Section 10 shall be moved under the authority of a licence issued by the Department and by an approved carrying agent, save that an animal that requires emergency veterinary treatment may be moved by other means with the approval of the States Veterinary Officer and subject to such conditions as he may specify.
- 12 In exceptional circumstances or in an emergency, an Authorised Person may direct that an animal may be transported to an approved place of quarantine by such means as that person may specify.

Importation of Animals from Great Britain and Northern Ireland, the Republic of Ireland, Isle of Man, Alderney and the Bailiwick of Jersey

- 13 The provisions of Section 1 shall not apply to an animal specified in Part I of Schedule 1 imported into the Islands from Great Britain, Northern Ireland, the Republic of

Ireland, the Isle of Man, Alderney or the Bailiwick of Jersey provided that such an animal:

- (i) was born in one of the said countries or territories and it has never been taken outside of any one of those countries or territories,
- (ii) has been imported into one of the said countries or territories and detained and isolated in quarantine in one or more of those countries or territories for a period of, or consecutive periods amounting to, not less than 6 calendar months before being consigned to the Islands,
- (iii) is a cat or dog that was the subject to a commercial transaction and imported into Great Britain, Northern Ireland or the Republic of Ireland from another Member State of the European Community in accordance with the provisions of Council Directive 92/65/EEC (c),
- (iv) is a pet cat, dog, ferret, rabbit or rodent that was imported into one of the said countries or territories in accordance with Regulation (EC) No 998/2003 of the European Parliament and of the Council(d),

and it is transported to the Islands without being taken outside of any of the specified countries or territories.

Importation of Animals from a Member State of the European Community, other than Great Britain and Northern Ireland and the Republic of Ireland

14 The provisions of Section 1 shall not apply to:

- (i) a pet cat or dog that is not the subject of a commercial transaction, imported into the Islands from a Member State of the European Community other than Great Britain and Northern Ireland and the Republic of Ireland provided that it conforms with the requirements specified in Part I of Schedule 3,
- (ii) a pet ferret that is not the subject of a commercial transaction, imported into the Islands from a Member State of the European Community other than Great Britain and Northern Ireland and the Republic of Ireland provided that it conforms with the requirements specified in Part II of Schedule 3; and
- (iii) a pet domestic rabbit or rodent that is not the subject of a commercial transaction, imported into the Islands from a Member State of the European Community other than Great Britain and Northern Ireland and the Republic of Ireland.

15 The animals specified in Sections 14(i) and (ii) may only be imported into the Islands by an approved carrier on an approved route.

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- (c) Official Journal L268 p.54
 - (d) Official Journal L146 p.1

- 16 Any animal specified in Part I of Schedule 1 that is the subject of a commercial transaction that is imported into the Islands directly from a Member State of the European Community other than Great Britain and Northern Ireland or the Republic of Ireland may only be so imported under the authority of a licence issued in accordance with Section 2.

Importation of Animals from Approved Countries or Territories

- 17 An approved third country or territory shall be a country or territory specified in Parts II and III of Schedule 4.
- 18 The provisions of Section 1 shall not apply to:
- (i) a pet cat or dog that is not the subject of a commercial transaction, imported into the Islands from:
 - (a) an approved country or territory provided that it conforms with the requirements specified in Part I of Schedule 3,
 - (b) an approved country or territory having first been landed in Great Britain and Northern Ireland, the Republic of Ireland, the Isle of Man, Alderney or the Bailiwick of Jersey, provided that it conforms with the requirements specified in Part I of Schedule 3 at the time of importation into the said countries or territories; or
 - (c) an approved country or territory having first been landed in a Member State of the European Community other than Great Britain and Northern Ireland or the Republic of Ireland or a country or territory specified in Part II of Schedule 4, provided that it is bought into conformity with the requirements specified in Part I of Schedule 3 in one of the said countries or territories in before consignment to the Islands,
 - (ii) a pet ferret that is not the subject of a commercial transaction, imported into the Islands from:
 - (a) an approved country or territory provided that it conforms with the requirements specified in Part II of Schedule 3,
 - (b) an approved country or territory having first been landed in Great Britain and Northern Ireland, the Republic of Ireland, the Isle of Man, Alderney or the Bailiwick of Jersey, provided that it conforms with the requirements specified in Part II of Schedule 3 at the time of importation into the said countries or territories; or
 - (c) an approved country or territory having first been landed in a Member State of the European Community other than Great Britain and Northern Ireland or the Republic of Ireland or a country or territory specified in Part II of Schedule 4, provided that it is bought into conformity with the requirements specified in Part II of Schedule 3 in one of the said countries or territories in before consignment to the Islands.

- (iii) a pet domestic rabbit or rodent that is not the subject of a commercial transaction, imported into the Islands from a country or territory specified in Part II of Schedule 4.

19 Animals:

- (i) specified in Sections 18(i)(a) and 18(ii)(a); and
- (ii) that comply with the provisions of Sections 18(i)(c) and 18(ii)(c),

shall only be imported into the Islands by an approved carrier on an approved route.

20 Pet cats, dogs and ferrets that are not the subject of a commercial transaction, consigned to the Islands from an approved country or territory may transit any other approved country or territory.

21 The number of animals in a consignment of pet cats, dogs, ferrets, domestic rabbits of rodents imported into the Islands from a country or territory specified in Part III of Schedule 4 may not exceed 5.

Importation of Animals from any other Country or Territory

22 The provisions of Section 1 shall not apply to:

- (i) a pet cat or dog that is not the subject of a commercial transaction, imported into the Islands from:
 - (a) any other country or territory having first been landed in Great Britain and Northern Ireland, the Republic of Ireland, the Isle of Man, Alderney or the Bailiwick of Jersey, provided that it undergoes a period of 6 calendar months in quarantine in the said countries or territories before consignment to the Islands or is imported into the Islands in accordance with Section 8, or
 - (b) any other country or territory having first been landed in a Member State of the European Community other than Great Britain and Northern Ireland or the Republic of Ireland or a country or territory specified in Part II of Schedule 4, provided that it is bought into conformity with the requirements specified in Part I of Schedule 3 in one of the said countries or territories in before consignment to the Islands,
- (ii) a pet ferret that is not the subject of a commercial transaction, imported into the Islands from:
 - (a) any other country or territory having first been landed in Great Britain and Northern Ireland, the Republic of Ireland, the Isle of Man, Alderney or the Bailiwick of Jersey, provided that it undergoes a period of 6 calendar months in quarantine in the said countries or territories before

consignment to the Islands or is imported into the Islands in accordance with Section 8, or

- (b) any other country or territory having first been landed in a Member State of the European Community other than Great Britain and Northern Ireland or the Republic of Ireland or a country or territory specified in Part II of Schedule 4, provided that it is bought into conformity with the requirements specified in Part II of Schedule 3 in one of the said countries or territories in before consignment to the Islands,

- 23 Animals specified in Sections 22(i)(b) and 22(ii)(b) that conform with the requirements specified in the said Sections shall only be imported into the Islands by and approved carrier and on an approved route.
- 24 Pet cats, dogs and ferrets that are not the subject of a commercial transaction, consigned to the Islands by sea or air from any another country or territory may transit a country or territory other than a Member State of the European Community, the Isle of Man, Alderney, the Bailiwick of Jersey or an approved country or territory provided that such animals:
- i) remain within the boundaries of an international airport; or
 - ii) are at all times secured within a vessel.

Animals in Territorial Waters

- 25 The provisions of Section 1 shall not apply to an animal specified in Part I of Schedule 1 transported in a seagoing vessel within the territorial waters of the Islands, such vessels moored or at anchor in such waters or moored in any of the harbours in the Islands, where an animal is not an animal to be imported in accordance with the provisions of Sections 2 to 24, provided that:
- (i) such an animal is, at all times, confined within a totally enclosed part of the vessel from which it cannot escape,
 - (ii) does not come into contact with any animal in the Islands; and
 - (iii) in no circumstances is permitted to land in the Islands.
- 26 If an animal to which Section 25 applies is:
- (i) lost from a vessel in a harbour in the Islands or in the territorial waters of the Islands, the person in charge or having control of the vessel shall immediately notify an Authorised Person of such loss; or
 - (ii) involved in an incident whereby rabies virus could, if present in that animal, be transmitted to a person or another animal (other than another animal being transported on the same vessel), the owner or person in charge of the animal shall immediately notify an Authorised Person of such an incident,

and such an Authorised Person may, in appropriate circumstances, seize and detain such an animal.

- 27 No person shall permit any animal specified in Schedule 1 born in the Islands or imported into the Islands in accordance with the provisions of this Order to board a vessel on which any animals specified in Section 25 are being transported.
- 28 The provisions of Sections 26(ii) and 27 shall not apply in the case of the use on board a vessel in a harbour in the Islands or in the territorial waters of the Islands of a dog belonging to Police or Customs Officers of the Home Department or Her Majesty's Police Force, Customs and Excise or Armed Forces provided that such a dog is kept under the constant control of a trained handler whilst onboard such a vessel.

Animals in transit

- 29 The provisions of Section 1 shall not apply to an animal that is imported into the Islands under the authority of a licence issued by the Department granting permission for such an animal to be landed in the Islands and transported to another port for exportation, provided that such an animal is:
- (i) landed at an approved port of entry specified in Schedule 2,
 - (ii) transported by an approved carrying agent whilst in the Islands; and
 - (iii) held at an approved place of detention or quarantine if there is any delay between the time of importation and exportation.

Exportation of Animals

- 30 No person shall export a pet cat, dog or ferret from the Islands to a Member State of the European Community other than Great Britain and Northern Ireland or the Republic of Ireland unless such an animal:
- (i) has been identified in accordance with the requirements specified in Article 1(a) of Part I of Schedule 3,
 - (ii) is accompanied by a passport in the format specified in Article 1(b)(i) of Part I of Schedule 3) and such passport contains the information specified in Article 1(b)(ii) and the certification specified in Article 1(b)(iii)(A) of the said Schedule.
- 31 The owner or person in charge of a pet cat, dog or ferret that requires a passport specified in Section 30(ii) to be issued in the Islands shall obtain such a passport from a veterinary surgeon approved by the Department to practice in the Islands and the certification specified in the said Section shall be authorised by such a veterinary surgeon.
- 32 An animal specified in Part I of Schedule 1 held at an approved place of detention or quarantine may be exported from the Islands provided that such an animal is transported

from such a place of detention or quarantine to a place of exportation and loaded on vehicle, vessel, aircraft or other means of transportation by an approved carrying agent.

PART II APPROVED PREMISES, CARRYING AGENTS, CARRIERS AND ROUTES

Approved Premises

33 Premises shall not be used for the:

- (i) detention and isolation in quarantine; or
- (ii) temporary detention,

of an animal specified in Part I of Schedule 1 other than under the authority of a licence issued by the Department.

34 A licence issued by the Department under the provisions of Section 33 may include conditions relating to the:

- (i) construction and layout of the premises,
- (ii) management and operation of a quarantine or detention facility; and
- (iii) any other matters relating to the quarantine or detention facility that the Department considers necessary to minimise any risk of the spread of rabies.

Approved Carrying Agents

35 No person shall transport any animal specified in Part I of Schedule 1 that:

- (i) has been imported into the Islands under the authority of a licence issued under Section 2,
- (ii) is to be moved from one approved place of detention or quarantine to another approved place of detention or quarantine in the Islands,
- (iii) notwithstanding the provisions of Section 12, has to be moved from an approved place of detention or quarantine for veterinary treatment,
- (iv) is in transit in accordance with the provisions of Section 29,
- (v) has been seized under the provisions of this Order and is to be transported to an approved place of detention or quarantine; or
- (vi) is to be taken from an approved place of detention or quarantine to a place for exportation from the Islands,

unless such a person has been licensed by the Department to undertake the functions of an approved carrying agent.

Approved Carriers.

- 36 No person shall transport the animals specified in Sections 14(i) and (ii), 18(i)(a) and (c), 18(ii)(a) and (c) and 22(i)(b) and 22(ii)(b) other than under the authority of a licence issued by the Department.
- 37 The Department may issue a licence specified in Section 36 if it is satisfied that:
- (i) an applicant can comply with the requirements of Part I of Schedule 5; and
 - (ii) the written procedures and contingency plans specified in Part I of Schedule 5 are considered by the Department to be adequate.
- 38 The licence issued under the provisions of Section 36 shall specify:
- (i) the checks that must be carried out,
 - (ii) the approved route to be used by the licence holder for the transportation of the animals specified in Section 36; and
 - (iii) any other conditions the Department considers appropriate.
- 39 It shall be the duty of an approved carrier to conform with the requirements specified in Part II of Schedule 5.

Approved Routes

- 40 A licence issued under the provisions of Section 36 shall specify the place from which an approved carrier may transport pet cats, dogs and ferrets to the Islands and the place in the Islands where such animals shall be landed.

PART III CONTROL OF RABIES

Control of Rabies

- 41 Any person who has reasonable grounds to believe that an animal:
- (i) has been imported into the Islands in contravention of any of the provisions of this Order,
 - (ii) is, or may be, infected with rabies,
 - (iii) has or may have died from rabies,
 - (iv) has or may have been exposed to infection by rabies; or
 - (v) has or may have escaped from detention or an approved place of quarantine where it is being held in accordance with the provisions of this Order,

shall immediately notify the Department of such fact and if such a person is the owner, or is in charge of such an animal or the carcass of such an animal, that person shall keep the animal or carcass isolated from other animals and other persons.

42 Where the Department has reasonable grounds to believe that an animal:

- (i) is, or may be, infected with rabies,
- (ii) has or may have died from rabies; or
- (iii) has or may have been exposed to infection by rabies,

it may declare the premises at which such an animal or the carcass of such an animal is found to be an infected place and it may implement any of the measures specified in Schedule 6 in respect of such an infected place.

43 A declaration that premises are an infected place shall remain in force until the Department gives notice that such a declaration shall cease to have effect.

44 Where the Department has reasonable grounds to believe that an animal:

- (i) is, or may be, infected with rabies,
- (ii) has or may have died from rabies,
- (iii) has or may have been exposed to infection by rabies; or
- (iv) has or may have escaped from detention or an approved place of quarantine where it is being held in accordance with the provisions of this Order,

and such an animal has or may have been in contact with any other animals specified in Schedule 1 in the Islands, it may declare that any area in the Islands is an infected area and it may implement any of the measures specified in Schedule 7 in respect of such an infected area.

45 A declaration that an area is an infected area shall remain in force until the Department gives notice that such a declaration shall cease to have effect.

Contact Animals

46 Any person who has reasonable grounds to believe that any animal specified in Part II of Schedule 1 which has been, or may have been, in contact with:

- (i) notwithstanding the provisions of Section 28, an animal specified in Part I of Schedule 1, transported to the Islands in accordance with Section 25,
- (ii) an animal in transit in accordance with the provisions of Section 29,
- (iii) an animal specified in Part I of Schedule 1, that is awaiting transportation to an approved place of detention or quarantine,

- (iv) an animal specified in Part I of Schedule 1 held at an approved place of detention or quarantine or which has escaped from such a place,
- (v) an animal specified in Part I of Schedule 1 that has been imported into the Islands in contravention of the provisions of this Order; or
- (vi) an animal specified in Part I of Schedule 1 where there is any risk of spread of rabies,

shall immediately notify the Department of such fact and if such a person is the owner, or in possession, of such an animal or the carcase of such an animal, that person shall keep the animal or carcase isolated from other animals and other persons.

- 47 On receipt of a notification specified in Section 46, the Department may implement any of the provisions of Sections 42 or 44 as it considers necessary to minimise the risk or possible risk of the spread of rabies.

PART IV MISCELLANEOUS PROVISIONS

Authorised Persons

- 48 A person may be authorised by the Minister or Deputy Minister of the Department, in writing, to perform any of the functions specified in this Order and such authorisation shall specify those functions in respect of which each authorisation is made.
- 49 An Authorised Person shall, at any time during the performance of any of the functions specified in this Order, produce, on demand, evidence of the written authorisation provided for in Section 48.
- 50 Notwithstanding the provisions of Sections 48 and 49:
- (i) any Officer of the Guernsey Police shall be an Authorised Person for the purposes of any of the provisions of this Order that relate to the seizure, detention or destruction of animals,
 - (ii) any Customs Officer of the Home Department shall be an Authorised Person for the purposes of any of the provisions of this Order that relate to the regulation of the importation of animals into the Islands and the seizure and detention of such animals; and
 - (iii) the States Veterinary Officer and any Deputy States Veterinary Officer shall be Authorised Persons for all of the provisions of this Order,

and such Officers shall not require individual written authorisation as specified in Section 48.

Seizure of Animals and Carcasses

- 51 Where an Authorised Person has reasonable grounds to believe that an animal

- (i) specified in Part I of Schedule 1:
 - (a) has been imported into the Islands in contravention of the provisions of this Order,
 - (b) is, or may be, infected with rabies,
 - (c) has or may have died from rabies,
 - (d) has or may have been exposed to infection by rabies; or
 - (e) has or may have escaped after having been seized under the provisions of this Order, escaped from an approved place of detention or quarantine or during transportation by an approved carrying agent; or
- (ii) is an animal specified in Part II of Schedule 1 that has been in contact with an animal specified in Part I of the said Schedule in any of the circumstances specified in Sub-Section (i),

that person may seize and detain such an animal or the carcase of a dead animal.

- 52 An Authorised Person or the States Veterinary Officer may seize and detain an animal specified in Schedule 1 if the owner of person in charge of such an animal fails to comply with any notice issued or direction made under the provisions of this Order or any conditions attached to any licence issued under the provisions of this Order.
- 53 An Authorised Person may direct that a seized animal shall be
- (i) be transported to an approved place of detention or quarantine and held at such a place for such period and subject to such conditions as that person may specify; or
 - (ii) where appropriate, exported from the Island by such means as that person may specify.
- 54 An Authorised Person may direct that a seized carcase shall be
- (i) transported and held at such place as that person may specify; or
 - (ii) disposed of in such a manner as that person may specify.
- 55 If the owner or keeper of an animal seized in accordance with the provisions of Sections 51 or 52 cannot, after reasonable enquiry, be identified within 28 days of such seizure, the Department may direct that the animal shall disposed of in such manner as it may specify or exported from the Islands.

Examination and Tests

- 56 An Authorised Person may direct that:

- (i) in the case of a live animal seized in accordance with the provisions of Sections 51 and 52, shall be:
 - (a) subjected to examination by a Veterinary Surgeon,
 - (b) vaccinated or subjected to any other treatment,
 - (c) subjected to such tests as the States Veterinary Officer may direct,
 - (d) held at such other place, under such conditions and for such period as that person may specify; and
 - (e) on the direction of the States Veterinary Officer, euthanased and the carcass disposed of in such a manner as that Officer may specify; and
- (ii) in the case of the carcass of an animal seized in accordance with the provisions of Section 51, shall be:
 - (a) subjected to examination by such person that person may specify,
 - (b) subjected to such tests as the States Veterinary Officer may direct,
 - (c) held at such other place, under such conditions and for such period as that person may specify; and
 - (d) disposed of at such place and in such a manner as that person may specify.

Samples

- 57 An Authorised Person may take samples from any animal or the carcass of any animal seized in accordance with the provisions of Sections 51 and 52 for the purpose of examination and scientific analysis.

Access and Entry

- 58 Where an Authorised Person has reasonable grounds to believe that an animal:
- (i) is going to be imported into the Islands in contravention of this Order,
 - (ii) has been imported into the Islands in contravention of this Order,
 - (iii) is, or may be, infected with rabies,
 - (iv) has or may have died from rabies; or
 - (v) has or may have been exposed to infection by rabies,

that person may claim access to any vessel or aircraft which may be used to transport such an animal or any land at which an animal or the carcass of an animal may be found or at which it is being held.

- 59 For the purposes of carrying out an inspection under the provisions of Section 58 on any land or in any vessels or aircraft, an Authorised Person may take, or be accompanied by:
- (i) such equipment as is necessary to carry out an inspection or such other persons who have knowledge, skill or equipment relevant to an inspection; or
 - (ii) such equipment as is necessary to seize and detain any animal or such other persons who have knowledge, skill or equipment to seize and detain a particular type of animal
- 60 Where the Department directs that wild animals in an infected area shall be captured, vaccinated or otherwise treated or destroyed an Authorised Person may claim access to any land in such an area for the purpose of carrying out such a direction and that person may take or be accompanied by:
- (i) such equipment as is necessary to capture, vaccinate or treat or destroy specified wild animals; and
 - (ii) such other persons who have knowledge, skill or equipment relevant to the capture, vaccination or treatment or destruction of specified wild animals.
- 61 Where an animal that is required to be confined in an infected place or an infected area and is found to be at large or not under the control of an owner or keeper, an Authorised Person may enter any land in order to seize such an animal and if circumstances prevent such seizure, to destroy it.

Fees and Costs

- 62 The Department may levy a charge for any licence issued under the provisions of this Order.
- 63 All reasonable costs associated with the:
- (i) seizure, transportation, detention and isolation of an animal or any progeny born to an animal during seizure, transportation, detention or isolation,
 - (ii) euthanasia or destruction and disposal of the carcass of an animal that has been infected with rabies or which is believed to have been infected or exposed to infection by rabies,
 - (iii) complying with any of the provisions of this Order relating to the importation of an animal,
 - (iv) detention and transportation of an imported animal by an approved carrying agent to an authorised place of detention or quarantine,

- (v) complying with the conditions attached to a licence issued under the provisions of this Order; or
- (vi) complying with any direction or notice made or issued under the provisions of this Order,

shall, where appropriate, be borne by the owner or person who has responsibility for such an animal or the carcase of an animal or the person to whom a licence or notice has been issued or a direction made.

Licences

- 64 Any person who requires the Department to issue a licence or to renew such a licence under the provisions of this Order shall submit an application to the Department in such form it may specify.
- 65 The Department may:
- (i) issue a licence and attach such conditions to that licence as it considers necessary,
 - (ii) notify the applicant of any requirements that have to be met before a licence will be issued; or
 - (iii) reject the application.
- 66 In the case of the rejection of an application, notification of the rejection shall be accompanied by an explanation of the reasons for that rejection.
- 67 The Department may amend or alter, suspend or cancel a licence issued under the provisions of this Order at any time by written confirmation of such amendment or alteration, suspension or cancellation to the holder of the licence.
- 68 Any licence issued under the provisions of this Order shall be valid for such period as the Department may specify.

Notices and Other Documents

- 69 Where premises are declared to be an infected place, written notice:
- (i) of such declaration and a statement of any of the measures specified in Schedule 6 that shall apply to the infected place; and
 - (ii) that a declaration shall cease to have effect,
- shall be served by the Department on the owner or person in charge of the relevant premises.
- 70 Where an area is declared to be an infected area, notice:

- (i) of such a declaration and a statement of any of the measures specified in Schedule 7 that shall apply to the infected area; and
- (ii) that a declaration shall cease to have effect,

shall be published in La Gazette Officielle.

- 71 A notice issued under the provisions of Sections 69 and 70 may be superseded by a subsequent notice.
- 72 Any notice or other document issued, or direction made, by the Department under this Order may be given:
- (i) to an individual, by being delivered to him, or being left at, or sent by post or transmitted to, his usual or last known place of abode,
 - (ii) to a body corporate with a registered office in the Islands, by being left at, or sent by post or transmitted to, that office,
 - (iii) to a body corporate without a registered office in the Islands, by being left at, or sent by post or transmitted to, its principal or last known place of business; or
 - (iv) to an unincorporated body, by being given to a partner, member, manager or officer thereof in accordance with Sub- Section (i), or being left at, or sent by post or transmitted to, the body's principal or last known place of business.
- 73 In Section 72 the expression "by post" means by registered post or recorded delivery service, and the expression "transmitted" means transmitted by facsimile transmission, electronic mail or other similar means which produce a document containing the text of the communication.
- 74 Where the name or address of any person to whom a notice or other document is to be given under this Order cannot, after reasonable enquiry, be ascertained, the notice or other document may be given by:
- (i) being delivered to some responsible person at the holding or premises in question or, if there is no such person, by being affixed to a conspicuous part of the holding or other premises; or
 - (ii) publication in La Gazette Officielle.
- 75 Sections 72 to 74 are without prejudice to any lawful method of service.

Records and the Provision of Information

- 76 Any person shall provide any information in their possession to an Authorised Person relating to the movement of any animal that
- (i) has been imported into the Islands in contravention of the provisions of this Order,

- (ii) is, or may be, infected with rabies,
- (iii) has or may have died from rabies; or
- (iv) has or may have been exposed to infection by rabies,

77 Notwithstanding the provisions of Section 76, any person shall provide an Authorised Person with any information that might reasonably be requested and which is relevant to the execution of the functions of an Authorised Person in accordance with the provisions of this Order.

78 Where the conditions of any notice or licence issued under the provisions of this Order specify that records shall be maintained, such records shall be held by the person to whom the notice or licence was issued for a period of 1 year and such records shall be made available for inspection by an authorised person on demand.

Signs

79 No person shall remove, alter or deface any signs erected by the Department or on the direction of the Department giving notice that a place is an infected place or an area is an infected area.

Liability and Compensation

80 No liability shall be incurred or civil action lie against the States of Guernsey or any person in respect of anything done or omitted to be done in the discharge or purported discharge of any function under this Order unless the thing is done or omitted to be done in bad faith.

81 No compensation shall be payable by the States of Guernsey, or any person in respect of:

- (i) the seizure, detention and isolation of any animal,
- (ii) the euthanasia of any animal; or
- (iii) any costs arising from the suspension or revocation of any licence issued

in accordance with the provisions of this Order.

Assistance

82 A person shall provide all reasonable assistance to an authorised person to enable such a person to perform the duties and functions of an authorised person in accordance with the provisions of this Order.

Emergency Powers

83 Where there are reasonable grounds to believe that an animal has been infected with rabies and there is an immediate risk that such an animal might spread the disease to

humans or other animals, an Authorised Person may destroy such an animal or cause it to be destroyed.

- 84 In the event of an outbreak of rabies in a Member State of the European Community or any of the countries or territories specified in Schedule 4, the Department may direct that the importation of animals specified in Schedule 1 into the Islands from such a country or territory shall be prohibited for such period as it may direct.
- 85 The Department shall publish a direction made under the provisions of Section 84 and notice that any such direction shall cease to have effect, in La Gazette Officielle.

Falsification of Documents

- 86 No person shall:
- (i) forge or copy; or
 - (ii) falsify, modify or in any other way alter any information contained in any document specified in this Order
- 87 No person shall use or attempt to use any document that is specified in this Order:
- (i) that has been forged or copied
 - (ii) in which any information contained in such a document has been falsified, modified or in any other way altered,
- other than where any copy or any modification or alteration of information contained in a document has been endorsed by the Department.

Interpretation

- 88 For the purposes of this Order, the following definitions shall apply:

“animal”	unless otherwise specified, means any animal of a species listed in Part I and Part II of Schedule 1 that is wild, feral, domesticated or held in captivity.
“approved laboratory”	means a laboratory approved by the European Community to analyse blood samples to determine the protective antibody titre specified in Article 1(b)(iii)(A) of Part I of Schedule 3.
“authorised veterinary surgeon”	means a veterinary surgeon authorised by the Department to practice in the Islands or a veterinary surgeon authorised by the competent authority in a Member State of the European Community, a country or territory specified in

Schedule 4, the Isle of Man, Alderney or the Bailiwick of Jersey to practice in such a country or territory.

“Department”	means the States Commerce and Employment Department.
“domestic”	domestic means a pet animal born and held in captivity for all of its life and does not include wild taken animals.
“feral”	means a domesticated animal that has returned to the wild.
“imported”	means landed in the Islands by any means.
“land”	includes any buildings or other constructions
“Member State”	includes the territories listed in Part I of Schedule 4.
“pet animal”	an animal kept by man for interest or companionship.
“premises”	means land and buildings.
“rodent”	means an animal of the order rodentiae

Application

89 This legislation shall apply in the Islands of Guernsey, Herm and Jethou.

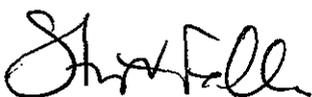
Revocations

90 The Orders specified in Schedule 8 are hereby revoked.

Citation

91 The Order may be cited as The Rabies Order, 2004 and shall come into force on 1 October 2004.

Dated this 30th day of September 2004.



Minister.

STATES COMMERCE AND EMPLOYMENT DEPARTMENT
For and on behalf of the Department.

EXPLANATORY NOTE

This Order establishes the conditions under which animals that are susceptible to rabies may be imported into the Islands. The conditions are intended to permit the movement of certain pet animals where the risks of the spread of the disease are considered to be low.

The Order also establishes the powers available to the Department to deal with an outbreak or suspected outbreak of rabies in the Islands.

SCHEDULE 1

PART I

Order	Common Names
Carnivora	including dogs, cats, jackals, foxes, wolves, bears, racoons, coatis, pandas, otters, weasels, martens, polecats, badgers, skunks, mink, ratels, genets, civets, linsangs, mongooses, hyaenas, ocelots, pumas, cheetahs, loins, tigers and leopards.
Chiroptera	bats and flying foxes.
Dermoptera	flying lemurs.
Endenta	anteaters, sloths and armadillos.
Hyracoidean	hyraxes.
Insectivora	including solenodons, tenrecs, otter shrews, golden moles, hedgehogs, elephant shrews, shrews, moles and desmans.
Lagomorpha	rabbits, hares and pikas.
Marsupialia	including opossums, marsupial mice, dasyures, marsupial moles, marsupial anteaters, bandicoots, rat opossums, cuscuses, phalangers, koalas, wombats, wallabies and kangaroos.
Primates	including tree shrews, lemurs, indrises, sifakas, aye ayes, lorises, bushbabies, tarsiers, titis, uakaris, sakis, howlers, capuchins, squirrel monkeys, marmosets, tamarins, macaques, mangabeys, baboons, langurs, gibbons and great apes and excluding man.
Rodentia	including gophers, squirrels, chipmunks, marmots, scaly-tailed squirrel, pocket mice, kangaroo rats, beavers, mountain beavers, springhaas, mice, rats, hamsters, gerbils, water rats, dormice, jumping mice, jerboas, porcupines, cavies (including guinea pigs) capybaras, chinchillas, spiny rats and gundis.

PART II

Order	Common Names
Artiodactyla	pigs, peccaries, hippopotamuses, camels, llamas, chevrotain, deer, giraffes, pronghorns, cattle, antelopes, duikers, gazelles, goats and sheep.
Monotremata	echidnas and duck billed platypuses.
Perissodactyla	horses, asses, zebras, tapirs and rhinoceroses.

Pholidota pangolins.

Proboscidea elephants.

Tubulidentata armadillos.

Note: the lists of common names are not intended to be exhaustive.

SCHEDULE 2

Approved ports of entry:

La Villiaze Airport
St.Peter Port Harbour

Such other place as the Department may, in exceptional circumstances, specify in writing, or in any licence issued under the provisions of this Order.

SCHEDULE 3

PART I

1 A pet cat or dog must:

- (a) be identified with an electronic transponder (microchip). In the case of a transponder that does not comply with ISO Standard 11784 of Annex A of ISO Standard 11785, the owner or person responsible for a cat or dog must provide the means necessary for reading the transponder at the time of any inspection,
- (b) be accompanied by a passport issued by an authorised veterinary surgeon and such a passport must:
 - (i) conform with the format for such a document specified in accordance with the provisions of Article 17 of Regulation (EC) No 998/2003 of the European Parliament and of the Council,
 - (ii) contain the transponder number identifying a pet cat or dog and details of the name and address of the owner of such an animal,
 - (iii) include certification, by an authorised veterinary surgeon, that:
 - (A) valid rabies vaccination, or if applicable, re-vaccination has been carried out in accordance with the recommendations of the manufacturing laboratory using an inactivated vaccine of at least one antigenic unit per dose (WHO standard),
 - (B) after identification in accordance with Article 1(a) of this Schedule and vaccination against rabies a blood sample was taken and tested for rabies antibodies at an approved laboratory,

with the result of the test demonstrating a protective antibody titre of at least 0.5 international units per millilitre; and

- (C) not less than 24 hours and not more than 48 hours before embarkation for the Islands a cat or dog has been treated by such a veterinary surgeon against *Echinococcus multilocularis* and ticks, using a veterinary medicine with a marketing authorisation in the country in which it is administered and at the dosage specified by the manufacturer. In the case of treatment against *Echinococcus multilocularis* the medicine must contain praziquantel as the active ingredient; and
 - (c) not enter the Islands until a period of 6 calendar months has expired from the date on which a blood sample was taken for the test specified in Article 1(b)(iii)(B) of this Schedule and provided that the result of that test met the requirements specified in the said Article.
- 2 The test specified in Article 1(b)(iii)(B) of this Schedule need not be repeated and the provisions of Article 1(c) of this Schedule shall not apply if a pet cat or dog has been regularly re-vaccinated against rabies at intervals that conform with the recommendations of the rabies vaccine manufacturing laboratory without a break in the protocols specified by such a laboratory.
 - 3 The test specified in Article 1(b)(iii)(B) of this Schedule must be repeated if, at any time, a pet cat or dog is not re-vaccinated against rabies at intervals that conform with the recommendations of the rabies vaccine manufacturing laboratory and the provisions of Article 1(c) of this Schedule shall apply in respect of any cat or dog that is subjected to a repeat test.
 - 4 The treatment against ticks specified in Article 1(b)(iii)(C) of this Schedule must not be by means of a collar impregnated with acaricide.
 - 5 In the case of a pet cat or dog imported into the Islands from an approved country or territory that is not re-entering the Islands, the passport specified in Article 1(b) of this Schedule shall be substituted by a certificate that conforms with a model specified in accordance with the provisions of Article 8(4) of Regulation (EC) No 998/2003 of the European Parliament and of the Council and such a certificate must be accompanied by original documents or certified copies thereof of:
 - (a) vaccinations details; and
 - (b) results of a serological test,and such documents must bear identification details of the relevant animal.
 - 6 The Department may, in exceptional circumstance and in writing, exempt pet cats and dogs under the required age for vaccination against rabies from the requirements specified in Articles 1(b)(iii)(A) and (B) of this Schedule.

- 7 The rabies vaccination specified in Article 1(b)(iii)(A) of this Schedule must not be administered before a pet cat or dog has been identified in accordance with Article 1(a) of this Schedule.

PART II

- 8 A pet ferret must be
- a) identified in accordance with Article 1(a) of this Schedule; and
 - b) accompanied by a passport specified in Article 1(b) of this Schedule and such a passport must conform with the requirements of Article 1(b)(i) and contain the information and certification specified in Articles, 1(b)(ii), 1(b)(iii)(A) and 1(b)(iii)(C) of this Schedule.
- 9 A ferret must be identified in accordance with Article 8(a) of this Schedule before being vaccinated against rabies.
- 10 In the case of a ferret imported from an approved country or territory specified in Part III of Schedule 4, importation may not take place until six months has expired from the date on which the rabies vaccination specified in Article 1(b)(iii)(A) of this Schedule was administered.
- 11 The Department may, in exceptional circumstance and in writing, exempt pet ferrets under the required age for vaccination against rabies from the requirements specified in Article 8(b) of this Schedule that refer to vaccination against rabies.
- 12 In the case of a pet ferret imported into the Islands from an approved country or territory that is not re-entering the Islands, the passport specified in Article 1(b) of this Schedule shall be substituted by a certificate that conforms with a model specified in accordance with the provisions of Article 8(4) of Regulation (EC) No 998/2003 of the European Parliament and of the Council and such a certificate must be accompanied original documentary evidence of rabies vaccination, or a certified copy thereof and such a document or certified copy must bear identification details of the relevant animal.

SCHEDULE 4

Approved third countries and territories.

PART I

Azores
Balaeric Islands
Canary Islands
Ceuta
Faroe Islands
French Guiana
Gibraltar
Greenland
Guadeloupe

Madeira
Martinique
Melilla
Réunion

PART II

Andorra
Iceland
Liechtenstein
Monaco
Norway
San Marino
Switzerland
Vatican City State

PART III

Ascension Island
Antigua and Barbuda
Aruba
Australia
Bahrain
Barbados
Bermuda
Canada
Cayman Islands
Chile
Croatia
Falkland Islands
Fiji
French Polynesia
Hong Kong
Jamaica
Japan
Mauritius
Mayotte
Montserrat
Netherlands Antilles
New Caledonia
New Zealand
Saint Helena
Saint Kitts and Nevis
Saint Pierre et Miquelon
Saint Vincent and the Grenadines
Singapore
United Arab Emirates
United States of America
Vanuatu
Wallis and Fortuna

SCHEDULE 5

PART I

Conditions of Approval for Carriers.

- 1 Staff having contact with passengers who are travelling with pet cats, dogs and ferrets and involved in carrying out the checks required by this Order shall be appropriately trained.
- 2 The carrier shall set out in writing procedures to ensure that a cat, dog or ferret presented for travel to the Islands under the provisions of this Order is:
 - (a) directed to an appropriate checking point.
 - (b) checked in accordance with the requirements of this Order.
 - (c) transported in an appropriate part of a vessel or aircraft in acceptable conditions.
- 3 The carrier shall set out in writing procedures for action if a cat, dog or ferret presented for travel fails to comply with the requirements of this Order, or if the carrier reasonably suspects is intended to be transported to the Islands without being presented for checking.
- 4 The carrier shall set out in writing contingency procedures for dealing with emergencies, including plans for vessels being diverted to another place of landing.
- 5 The carrier shall provide adequate facilities for carrying out the checks required by this Order and shall ensure that such facilities are adequately equipped, manned and maintained.
- 6 The carrier shall make arrangements for veterinary assistance to be provided where necessary.

PART II

Duties of Approved Carriers.

- 7 An approved carrier shall ensure, by means of checks on every animal that, in the case of a pet cat, dog or ferret that is transported by that carrier, that
 - (a) the electronic transponder in the animal can be located and read and that the code number identifying any particular animal corresponds with the number specified in any documents specified in Schedule 3,

- (b) each animal is accompanied by the passport specified in Schedule 3 and that that document includes any certification specified in that Schedule and that such certification is valid and conforms with the requirements of this Order.
- 8 Where the checks specified in Article 7 of this Schedule are carried out prior to the transportation of a pet cat, dog or ferret to the Islands, such an animal shall not be embarked for such transportation unless the requirements specified in the said Article are met.
- 9 Where the checks specified in Article 7 of this Schedule are carried out on arrival in the Islands, a pet cat, dog or ferret shall not be released from the place of landing unless the requirements specified in the said Article are met and the approved carrier shall immediately notify and authorised person of any failure to meet such requirements.
- 10 Where an approved carrier is satisfied that a cat, dog or ferret meets the requirements specified in Article 7 of this Schedule, it shall issue the person accompanying the animal with a sticker or hanger to be displayed in such manner as the Department may direct, indicating that
- (a) an animal; or
- (b) a vehicle contains an animal,
- that meets such requirements.
- 11 Where an approved carrier carried out the checks specified in Article 7 of the Schedule at the place of loading and a cat, dog or ferret which has not been presented for such checks is discovered by the carrier during transport to the Islands the Captain or person in charge of the vessel on which the animal is travelling shall immediately notify the Department and the Customs and Immigration Department of that fact.

SCHEDULE 6

Measures that may be applied in respect of a place that is declared an infected place.

- 1 Any animal infected or suspected of being infected with rabies and any animal that may have been in contact with such an infected or suspected animal shall be detained in such part of an infected place as an Authorised Person or the States Veterinary Officer may direct.
- 2 No person shall enter an infected place other than:
- (a) the owner, occupier or persons normally resident at such a place,
- (b) an Authorised Person or the States Veterinary Officer; or
- (c) a person authorised in writing by the Department to enter such a place and subject to any conditions attached to such an authorisation.

- 3 No person shall have access to or contact with any animal detained in an infected place other than:
 - (a) an Authorised Person or the States Veterinary Officer,
 - (b) the person approved by an Authorised Person or States Veterinary Officer to tend to the dietary and other needs such an animal,
 - (c) a veterinary surgeon approved by the States Veterinary Officer to provide veterinary care for such an animal; or
 - (d) under the authority of an authorisation issued by the Department and subject to any conditions attached to such an authorisation..
- 4 No animal may be moved into or out of an infected place other than under the authority of an authorisation issued by the Department and subject to any conditions attached to such an authorisation.
- 5 No carcase of an animal shall be removed from an infected place other than under the direction of the States Veterinary Officer subject to any conditions specified by that Officer.
- 6 An Authorised Person or the States Veterinary Officer shall immediately be notified of the death on any animal in an infected place.
- 7 Nothing that has or may have been in contact with an infected or suspected animal or another animal which has been or may have been in contact with such an infected or suspected animal may be removed from an infected place other than with the approval of the States Veterinary Officer and subject to any conditions specified by that Officer.
- 8 The carcase of any animal and anything specified in Article 7 of this Schedule that is removed from an infected place shall be disposed of or treated or otherwise cleansed in such a manner as shall be specified by the States Veterinary Officer.
- 9 The States Veterinary Officer may direct that any part of an infected place be cleansed and disinfected by such person and in such manner as that Officer may specify.
- 10 The Department may direct that notices indicating that premises are an infected place be prominently displayed at such premises.
- 11 The States Veterinary Officer may direct that any animal in an infected place be:
 - (a) vaccinated or subjected to such other treatment; or
 - (b) subjected to such tests,as that Officer may specify.
- 12 The Department may direct that any animal that is infected or suspected on being infected with rabies or which has been or may have been exposed to infection with

rabies, be euthanased and the carcass disposed of in a manner specified by the States Veterinary Officer.

- 13 The States Veterinary Officer may direct that any persons entering or leaving an infected place take such precautions as he may direct in order to prevent the spread of rabies.
- 14 In the case of an outbreak or suspected outbreak of rabies at an approved place of quarantine, the Department shall suspend such approval for such period as it may direct any animals held at such a place shall be detained at the premises for such period and subject to such conditions as the States Veterinary Officer may specify.

SCHEDULE 7

Measures that may be applied in respect of an area that is declared an infected area.

- 1 No animal may be moved into or out of an infected area or from one premises in an infected area to other premises in such an area other than under the authority of an written authorisation issued by the Department and subject to any conditions attached to such an authorisation.
- 2 The Department may direct that the owner or person responsible for any animals that are normally kept at any premises in an infected area shall, for the duration of an infected area declaration, ensure that such animals are securely confined on such premises and do not come into contact with any other animals except those that are normally kept on the same premises.
- 3 Notwithstanding the provisions of Article 2 of this Schedule an animal that is normally exercised outside of the premises at which it is kept may be so exercised provided that it:
 - (a) is securely controlled and restrained by the owner or keeper at all times and not allowed to run free,
 - (b) is prevented from coming into contact with any other animal other than an animal which is normally kept on the same premises; and
 - (c) in the case of a dog, is securely muzzled.
- 4 The Department may exempt assistance dogs from the provisions of Article 2 of this Schedule, on the advice of the States Veterinary Officer and such exemption shall be made in writing to the owner or person responsible for such a dog and may include such conditions as the Department may specify.
- 5 An Authorised Person may seize and detain any animal to which Article 2 of this Schedule refers which is found not to be confined or under the control of an owner or keeper.

- 6 Animals seized in accordance with Article 5 of this Schedule shall be held at such place, under such conditions and for such period as the States Veterinary Officer may direct and during detention may:
- (a) subject to examination by the said Officer,
 - (b) have samples taken by an Authorised Person or the said Officer for scientific examination or analysis; and
 - (c) vaccinated or subjected to such other treatment as the said Officer may direct.
- 7 Animals seized under the provisions of Article 5 of this Schedule shall only be returned to the owner or keeper with the approval of the States Veterinary Officer.
- 8 Where the ownership of or responsibility for a seized animal cannot be established within 21 days of seizure, such animal shall be disposed of by such means as the Department may direct.
- 9 Where circumstances prevent an animal which is liable to be seized under the provisions of Article 5 of this Schedule from being so seized an Authorised Person or a Police Officer may destroy such an animal without so seizing it.
- 10 The Department may direct that an animal of any description or species in an infected area shall be compulsorily vaccinated against rabies and such vaccination shall be carried out:
- (a) at such place and by such persons; and
 - (b) using such vaccine,
- as it may specify.
- 11 The Department may direct that vaccinated animals be identified in such manner as it may specify.
- 12 The Department may direct that specified wild animals in an infected area shall be:
- (a) captured and detained,
 - (b) vaccinated or otherwise treated; or
 - (c) destroyed,
- by such persons and using such methods as it may specify.
- 13 The Department shall take all reasonable steps to notify landowners and the occupiers or users of such land of a direction made under Article 12 of this Schedule.

- 14 The carcasses of wild animals destroyed in accordance with a direction made under Article 12 of this Schedule shall be removed and disposed of by such persons and in such manner as the States Veterinary Officer may specify.
- 15 The Department may direct that:
- (a) any sporting or recreational activity,
 - (b) any show, competition or other event involving specified animals,
 - (c) any gathering of specified animals; or
 - (d) the hunting of any animals by any means,
- shall be prohibited in an infected area, other than under the authority of a licence issued by the Department, and shall publish notice of such a direction in La Gazette Officielle.
- 16 The Department may erect, or direct the erection of, signs on the boundaries of an infected area indicating that such an area is an infected area for purposes connected with the control and eradication of rabies.
- 17 Any person who has reasonable grounds to believe that an animal in an infected area is or may be infected with rabies or has died or may have died from rabies shall immediately notify an Authorised Person of that fact.
- 18 The Department may declare premises in an infected area to be an infected place and may apply the provisions of Schedule 2 to such premises.

SCHEDULE 8

Revoked Orders.

The Rabies Order, 1976	No 16 of 1976
The Rabies (Amendment) Order, 1978	No 2 of 1978
The Rabies (Amendment) Order 1986	No 34 of 1986
The Rabies (Amendment)(No 2) Order, 2000	No 9 of 2000
The Rabies (Amendment)(No 3) Order, 2000	No 20 of 2000
The Rabies (Amendment) Order, 2003	No 6 of 2003