Jersey

EU LEGISLATION (AQUATIC ANIMAL HEALTH – AMENDMENT OF REGULATIONS) (JERSEY) ORDER 2017

Arrangement

Article

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EU LEGISLATION (AQUATIC ANIMAL HEALTH – AMENDMENT OF REGULATIONS) (JERSEY) ORDER 2017

Made   *24th January 2017*

Coming into force   *1st February 2017*

THE MINISTER FOR THE ENVIRONMENT, in pursuance of
Regulation 34 of the EU Legislation (Aquatic Animal Health) (Jersey)
Regulations 2016[1], orders as follows –

1   Interpretation

In this Order the "principal Regulations" means the EU Legislation (Aquatic
Animal Health) (Jersey) Regulations 2016[2].

2   Regulation 1 amended

In Regulation 1(1) of the principal Regulations, in the definition "inspector" for
the words "Diseases of Animals (Jersey) Law 1956[3]" there are substituted the
words "Animal Health (Jersey) Law 2016[4]".

3   Regulation 31 substituted

For Regulation 31 of the principal Regulations there is substituted the following
Regulation –

"31   Powers of enforcement under Animal Health (Jersey) Law 2016

    (1)   Articles 16 to 22 of the Animal Health (Jersey) Law 2016[5] apply to
and in relation to an aquaculture animal as if –

        (a)   Parts 2 to 5 of these Regulations, Commission
Regulation 1251/2008 and every relevant EU instrument
were 'relevant legislation' within the meaning of that Law;
and

        (b)   an Order had been made under Articles 2(2), 4(2) and 17(8)
of that Law, for the purposes of Articles 16 to 22 of that
Law –

    (i) extending the definition 'disease', in Article 2(1) of that Law, to include notifiable diseases,

    (ii) extending the definition 'animal', in Article 4(1) of that Law, to include aquaculture animals, and

    (iii) specifying notifiable diseases as diseases to which Article 17 of that Law applies.

  (2) Article 29 of the Animal Health (Jersey) Law 2016 applies to a person who contravenes a requirement of an aquaculture notice as it applies in relation to a person who contravenes a requirement of a notice served under the 'relevant legislation' within the meaning of that Law.

  (3) For the purpose of paragraph (2) an 'aquaculture notice' is a notice served under Article 17(6), 20(1)(j), 20(3) or 22(2)(c) of the Animal Health (Jersey) Law 2016 as those Articles are applied by paragraph (1) in relation to aquaculture animals.".

4 Regulation 32 amended

At the end of Regulation 32 of the principal Regulations there is added the following paragraph –

  "(5) Paragraphs (1) to (7) and (10) of Article 23 of the Animal Health (Jersey) Law 2016[6] apply to a notice under this Regulation as they apply to a notice under the 'relevant legislation' for the purpose of that Law.".

5 Regulation 33 substituted

For Regulation 33 of the principal Regulations there is substituted the following Regulation –

"33 Obstruction

  (1) Article 27 of the Animal Health (Jersey) Law 2016[7] applies in relation to an aquaculture animal as if the references to 'relevant legislation' in that Article included references to these Regulations, Commission Regulation 1251/2008 and every relevant EU instrument.

  (2) Article 29 of the Animal Health (Jersey) Law 2016 applies to a person who contravenes Article 27 of that Law as applied by paragraph (1), as it applies to a person who contravenes a requirement of the 'relevant legislation' within the meaning of that Law.".

6   Citation and commencement

This Order may be cited as the EU Legislation (Aquatic Animal Health – Amendment of Regulations) (Jersey) Order 2017, and comes into force on 1st February 2017.

DEPUTY S.G. LUCE OF ST. MARTIN

Minister for the Environment

[1]   *R&O.42/2016*
[2]   *R&O.42/2016*
[3]   *chapter 02.400*
[4]   *L.12/2016*
[5]   *L.12/2016*
[6]   *L.12/2016*
[7]   *L.12/2016*