

STATES OF JERSEY



Jersey

DRAFT ANIMAL WELFARE (JERSEY) LAW 202- (P.97/2025): THIRD AMENDMENT

**Lodged au Greffe on 10th March 2026
by the Environment, Housing and Infrastructure Scrutiny Panel
Earliest date for debate: 24th March 2026**

STATES GREFFE

DRAFT ANIMAL WELFARE (JERSEY) LAW 202- (P.97/2025): THIRD AMENDMENT

1 PAGE 16, ARTICLE 1 –

In Article 1 –

- (a) for the definition “animal welfare legislation” substitute –
“animal welfare legislation” means –
 - (a) this Law and Regulations and Orders made under this Law; and
 - (b) Regulations or Orders dealing with animal welfare made under the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#);
- (b) after the definition “premises” insert –
“restricted procedure” is defined in Article 7(4) and (5);

2 PAGE 25, ARTICLE 17 –

- (1) Delete Article 17.
- (2) Renumber the subsequent Articles and cross-references accordingly.

3 PAGE 25, ARTICLE 18 –

- (1) In Article 18 (renumbered as Article 17), for paragraph (1) substitute –
 - (1) The States may by Regulations specify activities relating to animal welfare that must not be carried out without a licence.
 - (2) Regulations under paragraph (1) must not specify an activity that is –
 - (a) a restricted procedure;
 - (b) authorised under Regulations or Orders dealing with animal welfare made under the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#).
 - (3) The Minister may by Order make provision for a licensing system for the grant of a licence required by Regulations under paragraph (1), including –
 - (a) the procedure for –
 - (i) applying for a licence;
 - (ii) amending or varying a licence;
 - (iii) revoking or suspending a licence;
 - (iv) appealing a decision made in relation to a licence;
 - (b) the conditions of the licence;
 - (c) any fee payable in relation to the licence.
- (2) Renumber the subsequent paragraph accordingly.

4 PAGE 31, ARTICLE 34 –

In Article 34 (renumbered as Article 33) –

- (a) after paragraph (2) insert –

- (3) An Order must not specify activities relating to animal welfare that must not be carried out without a licence.
- (b) renumber the subsequent paragraphs accordingly.

ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY PANEL

REPORT

This amendment has been lodged as a result of the Environment, Housing & Infrastructure Scrutiny Panel’s Animal Welfare and Control Review, and the Panel encourages the full Scrutiny Report to be read alongside this amendment.

Background

The Animal Welfare & Control Review examined both animal welfare and animal control in Jersey, reflecting the interconnected nature of the Island’s current legislative landscape. While the primary focus of the Review was the Draft Animal Welfare (Jersey) Law 202- ([P.97/2025](#)) (the ‘Draft Law’), this work also encompassed wider issues of animal control that emerged from the Panel’s previous scrutiny of the Draft Dogs Law (Jersey) Amendment Regulations 202- ([P.63/2025](#)).

The Panel conducted an in-depth review of how the Draft Law proposes to remedy the current legislative and enforcement gaps produced by the current [Animal Welfare \(Jersey\) Law 2004](#).

The Panel received a preliminary briefing in July 2025 with the States Vet Office on the draft proposals. The Panel then launched its Review on 4th December 2025 and wrote to a number of key stakeholders to request written submissions, with 13 submissions received in total.

The Panel held two public hearings on 29th January 2026: one with the Minister, States Veterinary Office and Natural Environment Officers (the ‘Ministerial Public Hearing’) and one with the States of Jersey Police and the Comité des Chef de Police as the representative body of the Honorary Police Force, specifically on the enforcement of animal related legislation and regulations (the ‘Enforcement Public Hearing’).

The Panel’s Review has concluded with a number of findings and recommendations, which are set out in full within the Scrutiny Report.

Importantly, two issues were identified within the Draft Law that the Panel considers require amendment: the power for the Minister for the Environment to create licensing schemes by Ministerial Order, and Part 4 concerning livestock straying. These matters are addressed in turn below.

1) Licensed Activities

Part 5 of the Draft Law establishes a licensing framework and, in particular, Article 18 enables the Minister to establish licensing schemes for “any activity that requires a licence”.

Separately, Article 34 enables the Minister to make Orders in relation to a wide range of matters, including (but not limited to) the creation of licensing systems, the imposition of legal requirements, the prohibition of animal-related activities, regulation of breeding, sale, import and export, expansion of inspector powers, mandatory training requirements, record-keeping or identification methods, and the establishment of advisory bodies.

The [Accompanying Report](#) to the Draft Law also sets out a list of “future proposed Orders”, including prohibiting docking of dogs’ tails; prohibiting the export of livestock for slaughter; microchipping requirements; prohibiting the import of certain species; protections for animals at the time of killing; and licensing livestock keepers.

Taken together, these provisions allow significant elements of the regulatory framework to be set through Ministerial Orders.

Evidence

The breadth and scope of the Order-making powers emerged as the most common concern among stakeholders.

The Jersey Society for the Prevention of Cruelty to Animals ('JSPCA') raised questions as to why certain measures were proposed for subordinate legislation rather than inclusion within the primary law¹ and both the JSPCA and the Jersey Farmers' Union ('JFU') raised concerns regarding the level of democratic oversight of this approach.²

The JSPCA expressed serious concern that future Orders would not be subject to established consultation processes, Assembly debate and Scrutiny review,³ while the JFU similarly noted that the powers could enable significant new regulatory provisions to be introduced without primary legislative scrutiny.⁴

In relation to the licensing framework, a number of submissions received were in favour of the proposals to modernise the licensing of animal-activities,⁵ concern was highlighted on the lack of detail included within Article 18, with local animal service provider, Spotted Wellies noting:⁶

"The idea of a new licensing system could have a big impact on businesses like ours. It would be helpful to understand: which services will need a licence, what the costs might be, how often licences would need renewing."

During the Ministerial Public Hearing, the Panel questioned why the Draft Law contained such broad order-making powers. The Minister stated, "*because we need to move quickly*".⁷

The Panel asked whether Article 18, as drafted, could permit a future Minister to introduce licensing requirements for livestock keeping where no scheme currently exists; impose licence fees without Assembly approval; extend licensing to non-commercial animal keepers; or establish licensing schemes for the ownership of any animal within the scope of the Draft Law.⁸

During the Ministerial Public Hearing, the Minister and officers accepted that, as drafted, the provision could in theory enable licensing schemes of the type described by the Panel. However, Officers emphasised that the policy intention is for licensing to apply only to animal businesses, not personal or non-commercial animal keepers.⁹

In relation to poultry, domestic livestock and companion animals, the Chief States Vet stated that such licensing is "*not on the cards*". However, the Minister noted that he had assumed that Article 18 referred specifically to businesses, though neither he nor Officers could immediately locate the relevant wording during the hearing.¹⁰

Finally, when asked whether the presented list of future orders was comprehensive, the Minister acknowledged that although the list included those deemed highest priority, this was not an exhaustive list, and other orders might be required in future.¹¹

The Panel considers that the Draft Law confers an exceptionally broad range of Order-making powers on the Minister and that, as drafted, the Draft Law does not provide sufficient detail to

¹ [2026-01-16-Written-Submission-Animal-Welfare-Control-Review-JSPCA.pdf](#)

² [Microsoft Word - Scrutiny re Animal Welfare Law](#)

³ [2026-01-16-Written-Submission-Animal-Welfare-Control-Review-JSPCA.pdf](#)

⁴ [Microsoft Word - Scrutiny re Animal Welfare Law](#)

⁵ [Submission to Scrutiny Review: Animal Welfare & Control \(Draft Animal Welfare \(Jersey\) Law 202-\) & 2026-01-12-Written-Submission-Animal-Welfare-Control-Review-The-Barkley-Club.pdf](#)

⁶ [2026-01-11-Written-Submission-Animal-Welfare-Control-Review-Spotted-Wellies.pdf](#)

⁷ [Ministerial Public Hearing Transcript](#), pg. 26

⁸ [Ministerial Public Hearing Transcript](#), pgs. 30-31

⁹ [Ministerial Public Hearing Transcript](#), pg. 31

¹⁰ [Ministerial Public Hearing Transcript](#), pg. 32

¹¹ [Ministerial Public Hearing Transcript](#), pg. 33

define the scope or limits of these powers. While the Panel received draft versions of several proposed Orders, these were not publicly available for scrutiny, meaning that the practical operation of future regulatory schemes remains unclear to stakeholders and the public.

The Panel draws a distinction between two types of Order-making powers contained in the Draft Law:

- Orders under Article 34, which prescribe specific or technical animal-welfare measures; and
- Orders under Article 18, which enable the Minister to establish licensing schemes for “any activity that requires a licence.”

The Panel does not object in principle to the use of Ministerial Orders for technical welfare measures, for example, prohibiting particular practices or setting standards where flexibility and responsiveness are appropriate. It is concerned however, that Article 18 goes significantly further by enabling the Minister to create licensing schemes for *any* activity that requires a licence.

As drafted, there is no restriction preventing a Minister from introducing a licensing scheme for the keeping of animals generally, including domestic animal keepers. Despite Officers stating this is not the current policy intention, no wording in Article 18 limits these powers to commercial operators. The Panel views this gap between intention and drafting as a substantial risk.

Moreover, the Panel consider that licensing schemes are not minor administrative tools; they directly determine who may operate, under what standards and conditions, and at what cost. They impose substantial regulatory and financial burdens. Stakeholder submissions from animal businesses have highlighted concerns about uncertainty over the scope of licensing, potential fees, and renewal requirements, each of which could materially affect livelihoods.

Given that an entire industry of animal related services may be brought under these licensing provisions, the Panel is concerned that the Draft Law would allow such frameworks to be established or expanded solely through Ministerial Orders, without guaranteed consultation, Assembly debate or Scrutiny review. The Panel does not consider this level of democratic oversight proportionate to the scale of potential impact on animal businesses and service providers.

Further Evidence

The Panel’s concerns regarding the breadth of Ministerial powers were underscored by a recent example arising during this Review. In early January, the Panel became aware via a media article of an amendment to the [Animal Health \(Bird Diseases\) \(Jersey\) Order 2017](#). This amendment, made by Ministerial Order, reduced the bird registration threshold from 30 birds to one ([MD-ENV-2025-967](#)). The Panel considered that the change was not communicated effectively given that it was published with minimal publicity over the Christmas period. In response to an Oral Question on the matter the Minister acknowledged and apologised for the poor communication ([OQ.18/2026](#)).

Crucially, the Minister also confirmed that he had not fully considered the material impacts of the change when approving the Order at the request of the States Veterinary Officer.¹² The Panel were concerned that, under Article 29 of the [Animal Health \(Jersey\) Law 2016](#), non-compliance carries a penalty of up to two years’ imprisonment and a fine. Although the Minister stated that it was not intended to penalise individuals with only one or two birds who failed to register, he acknowledged that the statutory penalty nonetheless applied.¹³

¹² [OQ.18/2026](#)

¹³ [States Assembly | Letter - Animal Health Law and Orders \(Jersey\) Amendment Order 2025 - Response - 17 February 2026](#)

This situation demonstrated a clear example of how changes introduced by Ministerial Order may not provide a sufficiently robust mechanism for fully considering the practical impacts and wider implications of new requirements imposed on animal keepers.

The Panel concludes that while Orders are an appropriate mechanism for technical welfare standards, the creation of licensing frameworks requires stronger statutory safeguards. Given the scale of potential impact on businesses, private animal keepers, and livelihoods, such powers should not be left to Ministerial discretion alone and so the Panel proposes to amend the Draft Law to change the ability for “any activity that requires a licence” as set out in Article 18 to be brought by Regulations instead of Ministerial Order.

Amendment

Parts 1, 3 and 4 of the amendment relate to changing the licensing of activities to be brought by Regulations instead of Orders.

Part 3 of the amendment revises the licensing framework by confirming that only the States Assembly may determine, through Regulations, which animal-related activities require a licence.

Once the Assembly has defined which activities require a licence, the Minister is then given broad flexibility to set out all of the detailed operational arrangements through Order, including application processes, licence conditions, variations, suspensions, revocations, appeals and fees.

The amendment also confirms that the Assembly’s Regulation-making power does not extend to restricted procedures or to activities already authorised under other animal-welfare legislation: preserving the Minister’s intent that welfare-related Order-making powers must remain available for swift and responsive action.

Because the term “restricted procedure” is now used beyond Articles 7 and 8 of the Draft Law, Part 1 of the amendment introduces a stand-alone definition in the interpretation article to ensure clarity and consistency.

Finally, Part 4 expressly prevents the Minister from using Order-making powers to specify activities that require a licence.

Conclusion

The amendment has been brought forward to ensure that the Draft Animal Welfare Law delivers a licensing framework that is proportionate, clearly drafted and subject to an appropriate level of democratic oversight. The Panel’s Review identified significant concerns about the breadth of the Ministerial Order making powers contained within the Draft Law, particularly the ability for licensing schemes of wide commercial and regulatory impact to be created solely through Ministerial Order, without guaranteed consultation, Assembly debate or Scrutiny review.

The Panel has therefore concluded that such powers exceed what is reasonable for measures that may have a significant material effect on animal related businesses, service providers and private keepers. By requiring that activities subject to licensing be established by Regulations rather than Orders, the amendment restores proper Assembly oversight while still enabling Ministers to set detailed operational arrangements efficiently.

2) Straying Livestock

The Panel’s second issue relates to Part 4 of the Draft Law, which introduces new legislative provisions for straying livestock. Specifically, the Draft Law will make it an offence if livestock stray into a public place *and* the person responsible fails to:

- Co-operate with an inspector to remove the livestock to a safe place, or
- Fails to take all reasonable steps to immediately secure the livestock.

It also creates an offence for a livestock owner to fail to comply with an improvement notice that has been served under Article 17 where livestock are at risk of suffering or being injured as a result of straying into a public place because of the condition of the boundaries of the premises on which the livestock is kept. A veterinary inspector must confirm that the animals are at risk of suffering or being injured before an improvement notice is served.

The penalty for an offence under Part 4 is imprisonment of 6 months and a fine of level 2 on the standard scale.

Evidence

The Panel received concern from the JFU, The Reserve Farm, Jersey Milk Marketing Board and Royal Jersey Agricultural & Horticultural Society, and The Conservation Grazing Group on the practicality and proportionality of the proposed straying livestock offences in Part 4.

The Conservation Grazing Group noted that maintaining traditional stock fencing is often not feasible on steep, ecologically sensitive conservation sites, warning that the proposals could jeopardise conservation grazing operations in “*extreme landscape types*”.¹⁴ The Jersey Milk Marketing Board and RJA&HS stressed that livestock could stray for reasons outside a keeper’s control, including storm damage.¹⁵

During the Ministerial Public Hearing, these concerns were put to the Minister and Chief States Vet who advised that boundaries would be assessed on a case-by-case basis and that what is considered proportionate would depend on the landscape and surrounding environment.¹⁶ It was further confirmed that the provisions were not intended to be used where exceptional circumstances apply, like where damage has occurred from a storm or if livestock have been chased out of their enclosure.¹⁷

During the Enforcement Public Hearing, the Panel sought the practical experience of the States of Jersey Police and the Comité des Chefs de Police as the representative body of the Honorary Police in responding to incidents of straying livestock.

The Comité des Chef de Police advised that the Honorary Police are typically the first responders and described straying livestock as an “*often occurrence*”.¹⁸ However, the Chair indicated that he had not encountered significant difficulties in addressing such incidents and expressed confidence in the ability of the Honorary Police to manage them effectively. He further observed that, in his experience, livestock owners are generally prompt and responsible in retrieving animals when notified.¹⁹

The Panel therefore questioned why livestock straying has been escalated to a criminal offence with a penalty of imprisonment for 6 months and to a fine of level 2 on the standard scale. The Minister advised that the purpose was to “*demonstrate that we are taking the subject seriously*”.²⁰

The JFU raised particular concern about liability where livestock keepers do not control boundary infrastructure, arguing that offences should only apply where the animal owner is also responsible for the fencing.²¹

The Reserve Farm echoed these issues, noting that they often graze land where they are not responsible for boundaries and that the offence could make grazing and conservation management

¹⁴ [Microsoft Word - Scrutiny re Animal Welfare Law](#)

¹⁵ [2026-01-16-Submission-Animal-Welfare-Control-Review-RJHS-Milk-Boar.pdf](#)

¹⁶ [Ministerial Public Hearing Transcript](#), pg. 17

¹⁷ [Ministerial Public Hearing Transcript](#), pg. 18

¹⁸ [Enforcement Public Hearing](#), pg. 17

¹⁹ [Enforcement Public Hearing](#), pg. 15

²⁰ [Ministerial Public Hearing Transcript](#), pg. 12

²¹ [Microsoft Word - Scrutiny re Animal Welfare Law](#)

on open public sites unviable. They warned that Part 4 could prevent conservation grazing on sites where limited livestock access to certain roads is integral to land management, thereby undermining long-term rewilding efforts.²²

When questioning the liability of offences in circumstances where the person responsible for the livestock is not the landowner on whose land boundary deficiencies may arise, the Minister confirmed that discussions with the farming community were ongoing regarding the allocation of responsibility.²³

The Panel also considered the operation of improvement notices in cases where livestock stray due to inadequate fencing or boundary conditions. Under the Draft Law, failure to comply with an improvement notice constitutes a criminal offence, however, the Draft Law does not provide an explicit right of appeal or formal review mechanism in respect of such notices. When raised during the Ministerial Public Hearing, the Minister acknowledged that it would be reasonable for a person subject to an improvement notice to have some form of recourse prior to being placed at risk of committing an offence and agreed to consider this further.²⁴

The Panel considers the concerns raised by agricultural and conservation stakeholders to be well-founded and reflective of Jersey's varied land management practices. Evidence highlighted that livestock may stray for reasons outside a keeper's control, including storm damage or boundary failures on land not owned or managed by the livestock keeper.

While the Minister confirmed that Part 4 does not criminalise livestock straying itself and that exceptional circumstances are not intended to trigger enforcement action, the Panel notes that this intention is not clearly expressed in the statutory wording. As drafted, the provisions may not be readily understood or consistently applied, particularly in situations where responsibility for boundary maintenance is shared or ambiguous.

The Panel also notes the challenges presented by conservation grazing, where maintaining conventional fencing may be environmentally inappropriate or physically impractical on steep or sensitive sites. In these contexts, the Panel agrees that the Draft Law as written may not adequately reflect operational realities.

Moreover, evidence from the Comité des Chefs indicated that the Honorary Police already manage incidents of straying livestock on a frequent basis and generally without difficulty, with livestock keepers typically responding promptly and responsibly when contacted. This calls into question the practical necessity of elevating such incidents to criminal offences, particularly where they occur infrequently or arise from circumstances beyond the keeper's control. While the Minister stated that the purpose of creating an offence was to "*demonstrate that we are taking the subject seriously,*" the Panel considers that seriousness should be demonstrated through targeted and proportionate enforcement measures, rather than through creating offences that risk capturing reasonable and conscientious behaviour.

The Panel remains concerned that improvement notices issued under Article 17 may place criminal liability on livestock keepers in circumstances where they may not be responsible for the boundary conditions that led to the straying. The evidence collected has shown that livestock may graze on land where the keeper does not own, control, or maintain the fencing or boundaries, meaning that an improvement notice could require a keeper to rectify deficiencies they have no legal or practical ability to address. In such cases, non-compliance carries a criminal penalty of up to six months' imprisonment and a fine at level 2 on the standard scale.

This problem is compounded by the fact that the Draft Law provides no explicit right of appeal or review mechanism for Improvement notices. As a result, a keeper who receives a notice in circumstances where responsibility is shared, unclear, or rests with a landowner, would have no

²² [2026-01-16-Written-Submission-Animal-Welfare-Control-Review-Aaron-Le-Couteur_5.pdf](#)

²³ [Ministerial Public Hearing Transcript](#), pg. 6

²⁴ [Ministerial Public Hearing Transcript](#), pg. 56

meaningful route to dispute or rectify the matter before falling into criminal liability. The Minister acknowledged during the Ministerial Hearing that this would be unreasonable in practice.

Given these structural limitations in the primary legislation, and the significant risk of imposing criminal responsibility on individuals who are neither the cause of the straying nor able to remedy it, the Panel does not consider Article 17 to be proportionate in its current form.

The Panel therefore proposes that Article 17 be deleted, removing the ability to issue improvement notices in respect of straying livestock where the underlying issue relates to inadequate fencing or boundary conditions.

Amendment

Part 2 of the Amendment deletes Article 17: removing the ability for inspectors to serve an improvement notice to livestock keepers if a veterinary inspector has confirmed that livestock are at risk of suffering or being injured as a result of straying into a public place because of the condition of the boundaries of the premises on which the livestock is kept.

However, improvement notices may still be issued to any animal keeper under Article 12, including livestock keepers or landowners, if they fail to take reasonable steps in the circumstances to ensure that the needs of the animals are met to the extent required by good practice.

Conclusion

The Panel found that the proposed straying-livestock offences risked placing criminal liability on keepers in situations beyond their control and lacked safeguards such as a clear right of appeal against improvement notices. To address this, the amendment removes the ability to issue improvement notices in respect of straying where the underlying issue relates to inadequate fencing or boundary conditions. However, this does not alter the wider improvement-notice regime: inspectors may still issue notices under Article 12 to any person where they have failed to take reasonable steps to meet an animal's needs in accordance with good practice.

Financial and staffing implications

There are no anticipated financial or staffing implications arising from this amendment.

Children's Rights Impact Assessment

The Panel consider that this amendment has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).