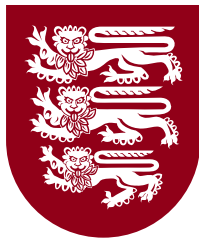


STATES OF JERSEY



Jersey

DRAFT ANIMAL WELFARE (JERSEY) LAW 202-

Lodged au Greffe on 29th October 2025
by the Minister for the Environment
Earliest date for debate: 20th January 2026

STATES GREFFE



Jersey

DRAFT ANIMAL WELFARE (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for the Environment has made the following statement –

In the view of the Minister for the Environment, the provisions of the Draft Animal Welfare (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy S.G. Luce of Grouville and St. Martin**
Minister for the Environment

Dated: 27th October 2025

REPORT

Background

In [MD-PE-2016-0071](#), the Minister decided to provide new primary legislation to update existing legislation, some of which is no longer fit for purpose and to further improve and promote international standards of animal welfare.

Veterinary legislation is an essential element of legal infrastructure which enables veterinary services to efficiently carry out their key functions, including the prevention of animal welfare.

The [Animal Welfare \(Jersey\) Law 2004](#) is based on long standing legislation in the United Kingdom, dating back as far as 1911 which has now been largely replaced by the Animal Welfare Act 2006. The new Animal Welfare Law will add to existing provisions and promote standards based on current United Kingdom, European Union legislation as well as best practice, reflecting current knowledge and scientific evidence, allowing for proportionate enforcement of the law.

The new Animal Welfare Law will give the Minister the power to make orders, allowing for the quicker implementation of changes and adjustments following advances in best practices and scientific advice.

The new Animal Welfare Law is based on existing legislation in the UK and Europe as well as international best practices regarding animal welfare.

The new Animal Welfare Law is proactive and can act as a prevention for animal welfare issues instead of purely act after a negative outcome has taken place.

Animal welfare evidence, best practise and scientific advice is changing all the time and if we want Jersey to be an example with regards to animal welfare, we need to be able to implement legislation swiftly, always within scope of the animal welfare law, and always with the best interest of animals in Jersey.

The draft Animal Welfare (Jersey) Law 202- provides the framework enabling the Minister to administer and enforce controls governing a wide range of species, activities and businesses involving animals and animal products. The controls are commensurate with international standards and provide for implementation of relevant European legislation permitting lawful trade in animals and animal products.

The legislation provides Ministerial powers to enact subordinate legislation to meet Jersey's obligations to deal with specific subjects for example licencing, prohibited procedures, authorised procedures, import restrictions, animal identification, etc. and to enact legislation based on best practice to protect animal welfare and human health.

The required powers fall into two broad categories:

- powers for protecting animal welfare;
- powers to be applied when considered necessary to alleviate or prevent the suffering of an animal.

The legislation:

- **PART 1:** Article 2 "*Meaning of animal*" – the meaning of animal has been revised. The Minister will have powers to extend the meaning of animals to include other species if there is scientific data supporting that.
- Article 3 "*Activities to which this Law does not apply*" – the Law will not apply to anything that occurs in the normal course of fishing.

- Article 4 “*Responsibility for animals*” – the owner will always be responsible for an animal and a person who is in charge of an animal at the relevant time.
- **PART 2:** Article 5 “*Offences of causing unnecessary suffering*” – the definition of unnecessary suffering has been strengthened and wider than in the 2004 Law. The Article introduces very limited exemptions for suffering to prevent harm to animals or protecting a person, property or another animal. It will be an offence to attack service animals such as police dogs, known as Finn’s Law in the UK.
- Article 6 “*Offence of carrying out prohibited procedure*” – introduces an offence if a person takes an animal out of Jersey to have a prohibited procedure (mutilation) carried out.
- Article 7 “*Offences of carrying out restricted procedure without licence*” – while the matters it deals with may be rare in Jersey, there is nevertheless the need for protection. This Article, taken from the 2004 Law, has been revised.
- Article 10 “*Offences relating to transfer of animals by way of sale or prize*” – it shall no longer be permissible to sell an animal to a person under 16 unless in specific limited circumstances. Whilst it may be rare for an animal to be a prize, for example in a draw, this act will now no longer be allowed.
- **PART 3:** “*Protection of Animal Welfare*” – Article 12 “*Improvement notices*” – this Article introduces the option for an inspector to issue an improvement notice to those responsible for animals. This will allow a person to correct any issues an inspector finds that may not be compliant with any relevant legislation. A non-compliance with an improvement notice is to be an offence in itself.
- Article 13 “*Taking possession of animals in distress*” – as part of the preventative measures in Part 3 of the Law and to alleviate or prevent suffering an inspector or police officer has powers to enter premises under Article 22. An inspector may remove an animal which is in distress, take the animal into their possession or have it destroyed depending on the condition of the animal.
- **PART 4:** “*Straying livestock*” – Articles 14 to 17 gives inspectors and police officers, powers to act to prevent livestock getting on to public roads before an accident and injury to livestock occurs. An inspector or police officer will be able to issue an improvement notice to the person responsible for the livestock if confirmation has been received from a veterinary inspector. These powers are intended to be used when the person responsible continues to fail to act in preventing escapes. This measure intends to protect animals from suffering or injury and will also have an impact on public safety.
- **PART 6:** Article 22 “*Inspectors’ powers of entry etc.*” – in this Article inspectors will have powers to act in support of animal welfare legislation. Inspectors can enter premises, stop and search vehicles and seize and detain property, including animals and use such force as reasonably necessary when the inspector believes suffering is happening and immediate action is required. For example, an animal appearing to be overheating in a car.
- Article 26 “*Veterinary inspectors: exceptional measures*” – provides for exceptional circumstances. For example, when a law prevents something from happening that is nevertheless essential because of an emergency, a veterinary inspector can permit it subject to appropriate safeguard measures or prohibit following a risk assessment. This power will be used only in exceptional circumstances. It is not a vehicle to permit regular circumvention of the law.
- Article 31 “*Offences and Penalties*” – the maximum penalty is raised from 12 months’ imprisonment in the 2004 Law to 5 years. The maximum fine of level 3 (£10,000) is raised to a fine (which can exceed level 3).

- **PART 7:** Article 34 “*Orders*” – provides Ministerial powers to enact secondary legislation to meet Jersey’s obligations based on UK and EU law and best practice to protect animal welfare. Certain matters previously included in the 2004 Law will now be updated, expanded and set out in Orders. These include, for example, animal fights, use of poisons, exemptions from prohibited procedures, licensing of animal activities – businesses and animal sanctuaries.
- Article 36 “*Use of samples*” – a new measure to assist with other work, any sample taken may be used to protect or promote animal welfare, animal health or human in health.
- Article 39 “*Repeals and savings*” – the [Animal Welfare \(Calves\) \(Jersey\) Order 2020](#) continues in full force and effect as if it were made under Article 34 of this Law.

Secondary legislation that is coming into force at the same time as the Law:

- Animal Welfare (Prohibited Procedures – Exemptions) (Jersey) Order 202-;
- Animal Welfare (Prohibited Activities) (Jersey) Order 202-;
- Animal Welfare (Licensed Activities) (Jersey) Order 202-.

Future proposed Orders:

1. Prohibit the docking of dogs’ tails except when it is for medical treatment or a working dog and certified by a veterinary surgeon.
2. Prohibit the export of livestock including horses and other equine animals, sheep, goats, pigs and wild boars for slaughter and fattening from or through Jersey to anywhere outside the British Islands, or organises, or attempts to organise, the transport of such livestock for export.
3. Require pets (cats, dogs and ferrets) to be microchipped and details registered on a compliant database.
4. Prohibition of importing; Certain species of animals to be kept as pets such as primates, skunks, and other exotic species that may be listed. The mutilation of dogs with cropped ears and cats which have been declawed. Heavily pregnant dams or queens (female dog and cat). Animal products such as the importation and sale of cat and dog fur products, the recommendation was made in the “[Fur products: petition \(P.72/2006, as amended\) – Report to the States](#)” on the 7 March 2007. All will be prohibited except in accordance with a licence and may be subject to ongoing licencing and renewal after import, all with conditions and restriction on sale or supply after import (if any).
5. Make provision on the protection of animals at the time of killing – by setting out national rules in line with Article 26(1) of the EU Regulation (Council Regulation (EC) No 1099/2009) and assimilated by GB law to maintain high levels of protection of animals at the time of killing.
6. Require livestock keepers to hold a licence before they can keep animals when not covered by other acceptable quality assurance schemes with a view to set up standards of competence and stockmanship to improve welfare conditions.

Financial and staffing implications

For Natural Environment routine work in administration and carrying out inspections will continue utilising existing staff and financial resources.

For an inspection, test or official examination and a licence, certificate, approval or authorization under the law or secondary legislation a fee will be payable and any costs of detaining an animal (if any).

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) screener has been prepared in relation to this proposition and is available to read on the States Assembly website.

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT**Human Rights Notes on the Draft Animal Welfare (Jersey) Law 202-**

These Notes have been prepared in respect of the Draft Animal Welfare (Jersey) Law 202- (the “draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Animal Welfare Law is compatible with the European Convention on Human Rights (“ECHR”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law is intended to update and improve the existing animal welfare legislation¹ in Jersey and to promote international standards of animal welfare. The draft Law is based on existing provisions in EU and UK law as well as best practice that incorporates the latest scientific advances.

The draft Law gives the Minister for the Environment (the “Minister”) powers to make Orders allowing for the quicker implementation of changes and adjustments in animal welfare law. The draft Law provides the framework enabling the Minister to administer and enforce controls governing a wide range of species, activities and businesses involving animals and animal products. The controls are commensurate with international standards and provide for implementation of relevant European legislation permitting lawful trade in animals and animal products.

The controls fall into two broad categories – (a) the protection of animal welfare and (b) the prevention and/or alleviation of animal suffering.

The relevant Convention rights**Article 6 ECHR**

Article 6.1 provides:

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”

Article 6 ECHR secures the right to a fair and public hearing by an independent and impartial tribunal established by law in the determination of civil rights and any criminal charges.

In respect of the criminal limb of Article 6, Part 2 of the draft Law relates to offences against animals. Article 5 provides that it is an offence to cause unnecessary suffering to an animal. The definition of “unnecessary suffering” has been strengthened and is wider than that under the Animal Welfare (Jersey) Law 2004. It will also be an offence, in limited circumstance, to fail to

¹ The Animal Welfare (Jersey) Law 2004.

act where a person knows or should reasonably know that the failure will cause an animal to suffer unnecessarily. It will also be an offence to attack service animals such as police dogs².

Article 6 provides that it is an offence to carry out a prohibited procedure (such as mutilation) on an animal or to take an animal away from Jersey for that purpose.

Article 7 provides that it is an offence to carry out of restricted procedures (such as an experiment) on a protected animal without a licence. A protected animal is defined broadly as –

- “(a) *any living vertebrate in its foetal, larval or embryonic form from the state of its development when –*
- (i) *in the case of a mammal, bird or reptile, two-thirds of the gestation or incubation period for the relevant species has elapsed; and*
 - (ii) *in any other case, it becomes capable of independent feeding.”*

Article 8 provides that a failure to comply with a condition of a licence for restricted practices (such as using unauthorised drugs) is an offence.

Article 9 provides that it is an offence for a person responsible for an animal to abandon or neglect that animal.

Article 10 provides that it is an offence to sell or to offer as a prize an animal to a person under 16 years of age.

Part 3 of the draft Law relates to the protection of animal welfare. Under Article 11, a person responsible for an animal commits an offence if he or she fails to take reasonable steps to ensure that the needs of an animal are met to the extent required by good practice.

As an additional tool to ensure compliance with Article 11 of the draft Law, Article 12 gives a power to an inspector to issue an improvement notice. The improvement notice sets out the steps to be taken by the recipient of the improvement notice to comply with Article 11. However, should a person fail to take the necessary steps set out in the improvement notice then that person commits an offence. Similarly, if a person fails to give required information to the States Veterinary Officer, that will be an offence.

Part 4 of the draft Law applies to straying livestock and, under Article 15, a person responsible for livestock will commit an offence if the livestock strays into a public place and that person fails to co-operate with an inspector to remove the livestock to a safe place or the person fails to take all reasonable steps to immediately secure the livestock in that public place.

Part 5 of the draft Law relates to licensing. Under Article 19, it will be an offence to fail to produce a licence, if required by an inspector, while a person claims to be acting under the authority of that licence. Likewise, under Article 20, it will be an offence to make a material statement or provide material information that a person knows not to be true. This type of offence provision is found in other primary legislation³.

Part 6 of the draft Law relates to inspection and enforcement. Under Article 27, a person who obstructs an inspector or other person in the exercise of powers under animal welfare legislation, commits an offence. This is another common offence provision that is found in primary legislation.

Lastly under Article 29, where a court has convicted a person and deprived that person of the ownership of an animal, it is an offence for that person to keep or otherwise have responsibility for that animal.

All of the above offence provisions will be prosecuted in the standard way before the Courts in Jersey. The Courts must act in a manner compatible with Article 6 and the Human Rights (Jersey)

² Known as Finn’s Law in the United Kingdom (see the Animal Welfare) Service Animals Act 2019).

³ The Telecommunications (Jersey) Law 2002 and the Competition (Jersey) Law 2005 are two examples.

Law 2000. Accordingly, the above offence provisions are considered to be compatible with Article 6(1).

The levels of penalties for offences are set out in Article 31. For offences under Articles 10, 12, 15 or 19, the maximum penalty is a term of imprisonment for 6 months and/or to a fine of level 2 on the standard scale. For an offence under any other provision, the maximum term is 5 years imprisonment and/or to a fine. The penalties are considered to be proportionate and are commensurate with penalties in other jurisdictions.

In respect of the civil limb of Article 6, an exercise of the powers provided by Article 8 (Licence for restricted procedure) of the draft Law may constitute a ‘determination of civil rights’ for Article 6 ECHR purposes. Property rights are almost invariably characterised as ‘civil rights’, even where a public law element is involved. Article 6 has previously been held by the Court to apply to decisions to impose restrictions on the right to develop property, to decisions that impose restrictions on the right to live in one’s home, and to decisions affecting the right to fish and hunt. The Court has held that Article 6 will generally apply to any dispute concerning action taken by an administrative authority which has a direct and appreciable effect on the enjoyment or exercise of property rights or interests.

As such, the fair hearing guarantee under Article 6 ECHR is likely to apply to the review decisions of the Minister made under Articles 8(8). In this case, the draft Law provides relevant affected individuals with a right to appeal to the Royal Court against the review decision. This ensures that the Minister’s decision-making under the draft Law is subject to subsequent control by a judicial body with full jurisdiction, which provides the guarantees required by Article 6(1) ECHR.

Article 8 ECHR

1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*
2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

Article 8 ECHR is intended to protect individuals from arbitrary interference by public authorities in their private and family life, home and correspondence. As a qualified right, some interferences are permissible if for good public policy reasons such infringements are proportionate. An interference must accord with the conditions in Article 8(2): it must be provided for by law; pursue one of the legitimate aims set out in Article 8(2); and be “necessary in a democratic society”, that is, proportionate to the aim pursued. This requires that a ‘fair balance’ be struck between the interests of affected individuals and the interest of the community.

The protection of and promotion of welfare of animals may justifiably be regarded as a ‘legitimate aim’ for Article 8 ECHR purposes, falling within scope of the aims “the protection of health or morals” and possibly also “the protection of the rights and freedoms of others” prescribed by Article 8(2). Since the social and technical aspects of animal health and welfare environmental issues can be hard to assess, the appropriate public authorities such as the States Veterinary Officer are best placed to determine the measures which are “necessary”. The Court accords the national authorities a wide margin of appreciation in the assessment of the need for an interference (James v United Kingdom [1986] ECHR 2).

Two provisions of the draft Law engage, or potentially engage, Article 8 ECHR. The first is Article 22 where an inspector who has reason to believe that a person is committing or has committed an offence under Parts 2 or 3 or Article 29 (Further provisions as to disqualification)

may, at any reasonable hour (a) enter and search any premises; (b) stop, enter and search any vehicle and/or (c) seize and detain any property (including an animal) found on the premises or in the vehicle.

The second is Article 23 under which an inspector is given supplementary enforcement powers to (a) inspect, examine and seize anything on the premises or in the vehicle, including animals and documents (including those stored in electronic form); (b) transcribe, copy and detain any documents and records; (c) record, measure or photograph anything on or in the premises or vehicle; (d) detain, isolate or require the movement of any animal; (e) identify any animal or thing and/ or (f) take samples from any animal or thing.

The powers provided by Articles 22 and 23 may affect individuals' private lives by interfering with their homes. However, the interferences are prescribed clearly in the draft Law which satisfies the 'lawfulness' requirement of Article 8 ECHR. The safeguarding of animal welfare is a legitimate aim in a modern and humane society. There is a clear public interest in ensuring that investigations into animal welfare can be properly conducted and that the necessary information to reach suitable conclusions can be obtained. As regards the proportionality of the interference, a number of limitations and safeguards minimise the interference with privacy so as to render it reasonable relative to the aim pursued. Articles 22 and 23 state that an inspector must act within the powers given. Further, if asked by the owner or occupier of the premises, an inspector must produce a warrant. At the outset of a search, an inspector must have reason to believe that a person is committing or has committed an offence under Parts 2 or 3. The powers under Article 22(1) may only be used "at a reasonable hour" or on 24 hours' notice (see Article 22(2)). If force is contemplated to be necessary, only such force as is reasonably necessary and authorised by the Bailiff or Jurat may be used (see *Funke v France* (1993) 16 EHRR 297). This preserves the 'fair balance' between the legitimate aim and the interests of individuals where the effect of a prohibition is to impact upon what may be done within an individual's home. Accordingly, Articles 22 and 23 are considered compatible with ECHR.

Article 1, Protocol 1 ECHR ("A1P1")

A1P1 provides that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

The reference to every "natural or legal person" means that the of corporate bodies are protected and this is well established in the case law. As regards the entitlement to peaceful enjoyment of possessions (A1P1 first sentence) and the rule against deprivation of possessions (second sentence), in (*National Provincial Building Society v United Kingdom* (1998) 25 EHRR 127 [78]) the Court took the view that it is the first sentence that enunciates the general principle which then informs interpretation of the remainder of A1P1.

Whilst the first paragraph of A1P1 provides for the peaceful enjoyment of possessions the second paragraph of A1P1 states that this is subject to the ability of the State to: "enforce such laws as it deems necessary ...in the general interest". As such, the right to peaceful enjoyment of possessions under A1P1 is not an absolute but a qualified right. A deprivation of possessions is only permitted if it is (i) lawful; (ii) in the public interest; (iii) in accordance with the general principles of international law; and (iv) reasonably proportionate ("fair balance" test).

A1P1 is engaged by the draft Law to the extent that provisions interfere with individual property rights. An exercise of certain powers provided by the draft Law may result in 'deprivations',

‘controls of use’ or ‘interferences with enjoyment’ of the property of individuals. This applies particularly to the enforcement and investigatory powers provided by Articles 13 (Taking animals in distress), 16 (Powers of police officers with inspectors in relation to straying livestock), 22 (Inspectors’ powers of entry etc.), 23 *supra* and 26 (Veterinary inspectors: exceptional measures).

A1P1 is a qualified right, and as such there may be limitations on the right to the extent that there is a legitimate aim, the limitation is prescribed in law and the measures used are proportionate.

Taking first the question of whether there is a legitimate aim, A1P1 permits a control of use of property in accordance with the general interest. The “general interest” may be, and has been, interpreted widely, and individual States have a significant margin of appreciation⁴ to determine the general interest. The Court has previously held the general interest to include measures for environmental protection purposes, including planning controls for the preservation of areas of natural beauty (Herrick v United Kingdom, Application No. 11185/84) and a shore conservation programme (Uuhiniemi v Finland, Application No. 21343/9). The purposes of the limitations referred to above, i.e. to protect animals and promote their welfare, are legitimate purposes which justify the limitations provided for under the draft Law, subject to satisfaction of the other conditions of A1P1 ECHR. Furthermore, the interferences are clearly prescribed in the draft Law, thereby satisfying the ‘lawfulness’ limb of the A1P1 test.

The final point to consider is proportionality. In ECHR terms, the requirement for measures to achieve a ‘fair balance’ between the general interest and the interests of individuals is not synonymous with a ‘least restrictive alternative’ test. Restrictive measures must be justified on the basis of a compelling case in the public interest and as being “reasonably necessary but not obligatorily the least intrusive of Convention rights” (R. (Clays Land Housing Co-op) v The Housing Group (2005) [2005] 1WLR 2229). Under A1P1, the payment of compensation in appropriate cases will be relevant to the fairness of the balance achieved between the community interest and individuals’ property rights. Where an interference with property amounts to a full deprivation of property, the Court has ruled that a ‘fair balance’ gives rise to a right to compensation in all but the most exceptional circumstances (Lithgow v United Kingdom 8 Eur. H.R. Rep. 329 (1986)).

The limitations in the draft Law satisfy the proportionality requirement in that they are reasonable and proportionate to the objectives which they are designed to secure.

In conclusion the draft Law is considered to be compatible with ECHR and the Human Rights (Jersey) Law 2000.

⁴ The “margin of appreciation” is a legal doctrine, most notably used by the European Court of Human Rights which grants national authorities a degree of discretion in implementing human rights obligations. It acknowledges that national legal and cultural contexts vary and allows for flexibility, ensuring a minimum level of human rights protection while giving states latitude to balance individual rights with national interests. The doctrine is applied when a state's actions to promote the general interest potentially conflict with individual rights.

EXPLANATORY NOTE

This draft Law, if passed, will replace the Animal Welfare (Jersey) Law 2004. *Part 1* defines certain terms and specifies who is responsible for an animal. *Part 2* creates various offences in relation to animals. *Part 3* makes provision in relation to animal welfare. *Part 4* makes provision in relation to straying livestock. *Part 5* makes provision in relation to licensing. *Part 6* makes provision in relation to inspection and enforcement, and *Part 7* makes provision about Orders and codes of practice, use of samples, service of notices, offences by corporate bodies and repeals, savings and consequential provision.

Enforcement of the Law is carried out by the States Veterinary Officer and designated inspectors, and in some cases by veterinary inspectors who are inspectors that are also veterinary surgeons.

Part 1 (general interpretation and application): *Article 1* defines terms used in the Law. *Article 2* specifies what constitutes an animal for the purposes of the Law and Orders made under it – a living vertebrate commonly domesticated or under human control. *Article 3* makes it clear that the Law does not apply to fishing, and other activities specified by Order. *Article 4* specifies who is responsible for an animal.

Part 2 (offences against animals): *Article 5* makes it an offence to cause, or to allow another person to cause, unnecessary suffering to an animal, including a wild animal. *Article 6* makes it an offence to carry out a prohibited procedure, which is a procedure that interferes with the tissue or bone structure of an animal, unless it is carried out by a veterinary surgeon for treatment or diagnosis, or is a procedure exempted by Order. *Article 7* makes it an offence to carry out a restricted procedure (that may cause suffering or lasting harm) on an animal, without a licence, and for this purpose the definition of animal is widened to include certain foetal, larval and embryonic animals and living but not embryonic cephalopods. *Article 8* makes provision for licensing restricted procedures. *Article 9* makes it an offence to abandon or neglect an animal. *Article 10* makes it an offence to sell an animal to a person under 16 (unless an adult agrees to be responsible for the animal) and to offer an animal as a prize.

Part 3 (protection of animal welfare): *Article 11* makes it an offence for a person responsible for an animal to fail to take reasonable steps to ensure the needs of the animal are met. *Article 12* makes provision for improvement notices to be issued if a person is failing to take the steps required by *Article 11* or otherwise failing to comply with a requirement about animal welfare. *Article 13* makes provision for taking possession of animals that are suffering.

Part 4 (straying livestock): *Article 14* provides definitions. *Article 15* makes it an offence to fail to secure livestock and to co-operate with inspectors if livestock stray into a public place. *Article 16* gives powers to police and inspectors in relation to straying livestock. *Article 17* makes provision for improvement notices to be issued in relation to straying livestock.

Part 5 (licensing): *Article 18* enables the Minister to make an Order setting up a licensing system for an activity that requires a licence. *Article 19* makes provision about licences as evidence. *Article 20* makes it an offence to provide false information in relation to applications for a licence.

Part 6 (inspection and enforcement): *Article 21* provides for the designation of inspectors and veterinary inspectors. *Article 22* gives inspectors powers of entry. *Article 23* gives inspectors further powers. *Article 24* ensures that inspectors, officers and people accompanying an inspector are not personally liable for anything done in the course of their duties. *Article 25* allows police officers to exercise some of the powers of inspectors. *Article 26* gives veterinary inspectors additional powers if exceptional measures are required to ensure an animal's welfare. *Article 27* makes it an offence to obstruct an inspector. *Article 28* gives the court power to remove an animal from a convicted owner and to make consequential orders. *Article 29* makes provision for a person disqualified from keeping an animal or from holding a licence to apply to have that disqualification removed. *Article 30* provides for the recovery of the costs of investigation and

enforcement from those convicted of an offence. *Article 31* sets out the penalties for offences and *Article 32* sets out how they are to be calculated. *Article 33* gives the court powers of seizure and forfeiture.

Part 7 (general provision): Article 34 is an Order making power. *Article 35* makes provision for the Minister to issue codes of practice. *Article 36* makes provision about the use of samples. *Article 37* makes provision about the service of notices. *Article 38* makes provision about offences by corporate bodies and other entities. *Article 39* sets out repeals and savings and *Article 40* sets out consequential amendments. *Article 41* gives the name of the Law and provides for it to come into force on a date specified by Order.



Jersey

DRAFT ANIMAL WELFARE (JERSEY) LAW 202-

Contents

Article

PART 1	16
GENERAL INTERPRETATION AND APPLICATION	
1	Interpretation 16
2	Meaning of animal 17
3	Activities to which this Law does not apply 17
4	Responsibility for animals 17
PART 2	18
OFFENCES AGAINST ANIMALS	
5	Offences of causing unnecessary suffering 18
6	Offence of carrying out prohibited procedure 19
7	Offence of carrying out restricted procedure without licence 19
8	Licence for restricted procedure 20
9	Offence relating to abandonment or neglect of an animal 21
10	Offences relating to transfer of animals by way of sale or prize 22
PART 3	22
PROTECTION OF ANIMAL WELFARE	
11	Duty to protect animal welfare 22
12	Improvement notices 22
13	Taking possession of animals in distress 23
PART 4	24
STRAYING LIVESTOCK	
14	Interpretation of Part 4 24
15	Offences in relation to straying animals 24
16	Powers of police officers and inspectors in relation to straying livestock 25
17	Improvement notices 25
PART 5	25
LICENSING	
18	Grant of licence 25

19	Licences as evidence of lawful activity	25
20	Offence of providing false information in connection with licence	26
PART 6		26
INSPECTION AND ENFORCEMENT		26
21	Appointment of inspectors etc.	26
22	Inspectors' powers of entry etc.	26
23	Enforcement: supplementary powers	27
24	Liability of inspectors	28
25	Police officers as inspectors.....	28
26	Veterinary inspectors: exceptional measures	29
27	Offence of obstruction.....	29
28	Powers of court on conviction	29
29	Further provisions as to disqualification	30
30	Recovery of costs	31
31	Offences and Penalties	31
32	Calculation of penalty	31
33	Forfeiture	31
PART 7		31
GENERAL PROVISIONS		31
34	Orders	31
35	Codes of practice	32
36	Use of samples.....	33
37	Service of notices.....	33
38	Offences by bodies corporate and others	34
39	Repeals and savings	34
40	Consequential amendments.....	35
41	Citation and commencement	35



Jersey

DRAFT ANIMAL WELFARE (JERSEY) LAW 202-

A **LAW** to make provision about the welfare of animals and to regulate the keeping and use of animals, and for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

PART 1

GENERAL INTERPRETATION AND APPLICATION

1 Interpretation

In this Law –

“animal” has the meaning given in Article 2;

“animal welfare legislation” means this Law and Orders made under this Law and Regulations or Orders dealing with animal welfare made under the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#);

“child” means a person under 16 years old;

“improvement notice” has the meaning given in Article 12(1);

“inspector” means the States Veterinary Officer and any person appointed by the Minister under Article 21 and, to the extent provided by Article 25, a police officer;

“licence” means a licence or similar authorisation granted under animal welfare legislation;

“Minister” means the Minister for the Environment;

“premises” includes land;

“States Veterinary Officer” means the person appointed under Article 5 of the [Animal Health \(Jersey\) Law 2016](#) and any person appointed to carry out the functions of the States Veterinary Officer under Article 5(2) of that Law;

“suffering” means physical or mental suffering or both;

“vehicle” includes –

- (a) every means of transport by land, sea or air;
- (b) fittings and detachable parts of a vehicle; and
- (c) containers, whether detachable or not, used with a vehicle;

“veterinary inspector” means a person designated as a veterinary inspector by the Minister under Article 21(2).

2 Meaning of animal

- (1) Subject to paragraphs (2) and (3), in animal welfare legislation, “animal” means a living vertebrate other than a human that is –
 - (a) commonly domesticated in the British Islands; or
 - (b) permanently or temporarily under human control.
- (2) Subject to Article 7, nothing in animal welfare legislation applies to an animal in its foetal or embryonic form.
- (3) Nothing in animal welfare legislation applies to an animal that is living wild in Jersey, unless otherwise stated.
- (4) If the Minister is satisfied, on the basis of scientific evidence, that an animal of the kind concerned is capable of experiencing pain or suffering, the Minister may by Order, for the purposes of this Law or of the application of any other animal welfare legislation –
 - (a) amend the meaning of “animal” to include any invertebrate;
 - (b) amend the states of development specified in paragraph (2);
 - (c) amend this Law to extend the application of a provision to an animal that is living wild in Jersey.
- (5) For the purposes of paragraph (1), an animal is living until whichever occurs first of the permanent cessation of circulation, or the destruction of the brain.
- (6) In paragraph (1), “vertebrate” means any animal of the subphylum Vertebrata of the phylum Chordata, and in paragraph (4)(a), “invertebrate” means any animal not of that subphylum.

3 Activities to which this Law does not apply

- (1) This Law does not apply in relation to anything that occurs in the normal course of fishing.
- (2) The Minister may by Order amend this Law to make further or different provision about the activities to which this Law or any provision in it does not apply.

4 Responsibility for animals

- (1) In animal welfare legislation –
 - (a) subject to sub-paragraph (b)(iii), the owner of an animal is always a person who is responsible for that animal;
 - (b) a reference to a person responsible for an animal –
 - (i) applies whether the person is permanently or temporarily responsible;

- (ii) includes a person who is in charge of the animal at the time that is relevant; and
 - (iii) means, if the owner of the animal is a child, the child's parent or guardian.
- (2) A person does not cease to be responsible for an animal under animal welfare legislation by abandoning the animal.

PART 2

OFFENCES AGAINST ANIMALS

5 Offences of causing unnecessary suffering

- (1) This Article also applies to animals living wild in Jersey.
- (2) It is an offence for a person to act, or fail to act (except, in the case of failing to act, in relation to an animal living wild in Jersey), in a way that causes an animal to suffer unnecessarily if the person knew, or reasonably should have known, that the act or failure to act would cause the animal to suffer unnecessarily or be likely to do so.
- (3) It is an offence if a person responsible for an animal –
 - (a) permits another person to act, or fail to act, in a way that causes the animal to suffer unnecessarily; or
 - (b) fails to take reasonable steps to prevent an act or failure to act by another person that causes the animal to suffer unnecessarily.
- (4) In determining whether the suffering is unnecessary, relevant matters include –
 - (a) whether the suffering could reasonably have been avoided, reduced or terminated;
 - (b) whether the act, or failure to act, that caused the suffering was carried out under and in accordance with a licence or other similar authorisation, animal welfare legislation or a code of practice issued under Article 35;
 - (c) whether the act, or failure to act, that caused the suffering was done to –
 - (i) prevent harm (other than the suffering actually caused) to the animal; or
 - (ii) protect a person, property or another animal;
 - (d) in a case mentioned in sub-paragraph (b) or (c), whether the suffering caused was proportionate to the purpose for which the act or failure to act was carried out;
 - (e) whether the act, or failure to act, was in all the circumstances the act, or failure to act, of a reasonably competent and humane person.
- (5) In determining whether the suffering is unnecessary, in a case mentioned in paragraph (4)(c)(ii), the fact that the conduct was for that purpose is to be disregarded if –
 - (a) the animal was under the control of a relevant officer –
 - (i) at the time of the conduct;
 - (ii) in the course of the officer's duties; and
 - (iii) in a way that was reasonable in all the circumstances; and

- (b) that officer is not the defendant.
- (6) In paragraph (5), “relevant officer” means –
 - (a) a police officer;
 - (b) a person (other than a police officer) who has the powers of a police officer or is otherwise employed for police purposes or is engaged to provide services for police purposes; and
 - (c) a prison officer within the meaning of the [Prison \(Jersey\) Law 1957](#).
- (7) If, on the trial of a person charged with an offence under this Article, the court or jury, as the case may be, is of the opinion that the accused is not guilty of that offence but is guilty of an offence under Article 9 then, without limiting any other powers of the court, the accused may be found guilty of an offence under Article 9.
- (8) The Minister may by Order amend the definition “relevant officer”, and only a person in the service of the States of Jersey may be specified in that amended definition.
- (9) Nothing in this Article prohibits the destruction of an animal in an appropriate and humane manner.

6 Offence of carrying out prohibited procedure

- (1) It is an offence for a person to carry out a prohibited procedure on an animal.
- (2) It is an offence if a person responsible for an animal –
 - (a) permits another person to carry out a prohibited procedure on the animal; or
 - (b) fails to take reasonable steps to prevent another person from carrying out a prohibited procedure on the animal.
- (3) It is an offence for a person to take an animal from Jersey for the purpose of having a prohibited procedure carried out on the animal in a place outside Jersey.
- (4) A “prohibited procedure” is a procedure that involves interference with the sensitive tissues or bone structure of an animal, other than if carried out –
 - (a) for the purpose of veterinary diagnosis or treatment by a veterinary surgeon; or
 - (b) in a manner that is exempted from the application of this Article by Order.

7 Offence of carrying out restricted procedure without licence

- (1) In this Article, “protected animal” means –
 - (a) any living vertebrate other than a human, and any living cephalopod;
 - (b) any living vertebrate in its foetal, larval or embryonic form from the state of its development when –
 - (i) in the case of a mammal, bird or reptile, two-thirds of the gestation or incubation period for the relevant species has elapsed; and
 - (ii) in any other case, it becomes capable of independent feeding.
- (2) A living cephalopod in its embryonic form is not a protected animal.
- (3) Subject to Article 8(1), a person who carries out a restricted procedure on a protected animal commits an offence.

- (4) A “restricted procedure” is an experimental or other scientific procedure applied to a protected animal that (whether by itself, or in conjunction with other procedures or as part of a series or combination of procedures) –
 - (a) may cause the protected animal to suffer or may cause lasting harm to the protected animal;
 - (b) is applied to a fully developed protected animal or one that becomes a protected animal during the procedures;
 - (c) is done for the purposes of, or is liable to result in, the birth or hatching of a protected animal if it may cause that protected animal to suffer or may cause lasting harm to the protected animal;
 - (d) involves the use of anaesthetic or analgesic, or of decerebration or any similar procedure for the purpose of carrying out a procedure;
 - (e) involves killing a protected animal if the killing is carried out only for experimental or other scientific purposes.
- (5) Ringing, tagging or marking of a protected animal or the humane application of any similar procedure, for the sole purpose of identification of the protected animal, is not a restricted procedure if it causes only momentary suffering and no lasting harm.

8 Licence for restricted procedure

- (1) A person does not commit an offence under Article 7 if the person acts under the authority of a licence issued to that person by the States Veterinary Officer under this Article.
- (2) A licence may be granted by the States Veterinary Officer under this Article only if the proposed restricted procedure relates to the conservation of 1 or more species.
- (3) A person intending to apply for a licence under this Article must notify the States Veterinary Officer of the purpose of the restricted procedure proposed, and follow guidance issued by the States Veterinary Officer when making the application.
- (4) Before an application can be considered by the States Veterinary Officer, the person applying for a licence under this Article must agree to pay the reasonable costs incurred in considering the application and determining conditions of the licence, whether or not the licence is granted.
- (5) If the States Veterinary Officer thinks that a licence should be granted, a licence will be granted –
 - (a) after the person applying for the licence has paid the reasonable costs incurred in considering the application; and
 - (b) on terms and conditions imposed by the States Veterinary Officer.
- (6) If the States Veterinary Officer thinks the licence should not be granted, the person applying for the licence –
 - (a) must pay the reasonable costs incurred in considering the application; and
 - (b) may, after payment of those costs, ask the Minister to review the decision.
- (7) On a review of the decision under paragraph 6(b) the Minister may decide to confirm the States Veterinary Officer’s decision or require the States Veterinary Officer to issue the licence on the terms and conditions decided by the Minister.
- (8) A person applying for a licence has a right of appeal to the Royal Court against the Minister’s decision under paragraph (6)(b) to confirm the States Veterinary Officer’s decision.

- (9) An appeal to the Royal Court under this Article must be made by sending the Court a notice of appeal –
- (a) in accordance with Rules of Court; and
 - (b) no later than 21 days after the day on which the decision of the Minister is made, or within such further time as the Royal Court allows.
- (10) When it determines an appeal under this Article, the Royal Court may –
- (a) confirm the decision appealed against;
 - (b) quash the decision appealed against;
 - (c) if it quashes the decision –
 - (i) remit the matter back to the States Veterinary Officer with a direction to reconsider and make a new decision in accordance with the ruling of the Royal Court; or
 - (ii) order the States Veterinary Officer to grant a licence.
- (11) A person holding a licence granted under this Article commits an offence if that person –
- (a) contravenes, or fails to comply with, any term or condition upon which the licence was granted; or
 - (b) fails to take all reasonable precautions to avoid contravention or non-compliance.
- (12) The Minister is not obliged to disclose to the public any information relating to applications for licences or restricted procedures licensed under this Article, whether such applications have been made or are prospective.

9 Offence relating to abandonment or neglect of an animal

- (1) A person responsible for an animal commits an offence if, without reasonable excuse, the person –
- (a) abandons the animal; or
 - (b) leaves the animal unattended and fails to make adequate provision for its welfare during the time it is left unattended.
- (2) In determining for the purposes of paragraph (1)(b) whether adequate provision has been made, relevant matters include –
- (a) the kind of animal concerned;
 - (b) the age and state of health of the animal;
 - (c) the length of time it is left unattended;
 - (d) the animal's reasonable requirements with respect to any of the following –
 - (i) food and water;
 - (ii) shelter and warmth;
 - (iii) light and ventilation;
 - (iv) prevention of suffering;
 - (v) treatment of disease.

10 Offences relating to transfer of animals by way of sale or prize

- (1) A person commits an offence if they sell an animal to another person and they know, or have reasonable cause to believe, that other person is a child.
- (2) But a person does not commit an offence under paragraph (1) if –
 - (a) they have care and control of the child and they intend to be responsible for the animal;
 - (b) there is another person present when the animal is sold to a child and that person intends to be responsible for the animal; or
 - (c) there is another person who is not present when the animal is sold to a child but whom the person transferring the animal knows or has reasonable cause to believe intends to be responsible for the animal.
- (3) Selling an animal includes transferring or agreeing to transfer ownership of the animal, in consideration of the transferee entering into another transaction.
- (4) A person commits an offence if they enter into an arrangement with another person under which that other person has the chance to win an animal as a prize.

PART 3**PROTECTION OF ANIMAL WELFARE****11 Duty to protect animal welfare**

- (1) Subject to Article 12, a person who is responsible for an animal commits an offence if they fail to take reasonable steps in the circumstances to ensure that the needs of the animal are met to the extent required by good practice.
- (2) For the purposes of paragraph (1) –
 - (a) an animal's needs include –
 - (i) its need for a suitable environment;
 - (ii) its need for a suitable diet;
 - (iii) its need to be able to exhibit normal behaviour patterns;
 - (iv) any need it has to be housed with, or apart from, other animals; and
 - (v) its need to be protected from suffering, injury and disease; and
 - (b) circumstances include –
 - (i) lawful purposes for which the animal is kept; and
 - (ii) lawful activities undertaken in relation to the animal.
- (3) Paragraph (1) does not prohibit the destruction of an animal in an appropriate and humane manner.

12 Improvement notices

- (1) If an inspector reasonably believes a person is failing to take the steps described in Article 11(1) or is otherwise failing to comply with a provision under animal welfare legislation relating to animal welfare, the inspector may serve on the person a notice (an “improvement notice”) that –
 - (a) states the inspector's belief, and –

- (i) specifies the respects in which the inspector considers the person is failing to comply with that provision; and
 - (ii) requires the person to take steps that the inspector considers must be taken to comply with that provision; and
- (b) specifies a period within which the required steps must be taken (“the compliance period”).
- (2) An improvement notice must also explain the effect of paragraphs (3) to (6).
- (3) If an improvement notice is served under this Article, proceedings for an offence must not be commenced before the end of the compliance period in respect of –
 - (a) the failure to take steps that gave rise to the notice; or
 - (b) a continuation of that failure.
- (4) If the steps required to be taken by an improvement notice are taken at any time before the end of the compliance period, proceedings for an offence under animal welfare legislation may not be commenced in respect of –
 - (a) the failure to take steps that gave rise to the notice; or
 - (b) a continuation of that failure prior to the taking of the required steps.
- (5) An inspector may do either of the following by serving a further notice on the person –
 - (a) extend the compliance period; or
 - (b) withdraw the improvement notice.
- (6) The withdrawal of an improvement notice does not affect the power of an inspector to give a further improvement notice to the same person in respect of a further failure to take any steps described in the first notice.
- (7) A person who fails to comply with an improvement notice commits an offence.
- (8) A person who has been served with an improvement notice must immediately notify the States Veterinary Officer in writing of any material change in circumstances that occurs during the compliance period, including –
 - (a) a change of address;
 - (b) a change in responsibility for, or ownership of, an animal;
 - (c) the death of an animal.
- (9) A person who fails to comply with paragraph (8) commits an offence.

13 Taking possession of animals in distress

- (1) An inspector may take steps, or arrange for another person to take steps, that the inspector considers necessary to alleviate or prevent the suffering of an animal if any of the following applies –
 - (a) the inspector reasonably believes the animal is suffering;
 - (b) the inspector is a veterinary surgeon and, in their opinion, the animal is likely to suffer if its circumstances do not change;
 - (c) the inspector is not a veterinary surgeon, and a veterinary surgeon confirms their opinion to the inspector, either verbally or in writing, that the animal is likely to suffer if its circumstances do not change.
- (2) The steps that may be taken under paragraph (1) do not include destruction of the animal unless –

- (a) a veterinary surgeon is of the opinion that the condition of the animal means that it should, in its own best interests, be destroyed; or
 - (b) an inspector who is not a veterinary surgeon reasonably believes the condition of the animal means that there is no reasonable alternative to destroying it and that to wait for the confirmation of a veterinary surgeon would unreasonably prolong the animal's suffering.
- (3) If an inspector takes possession of an animal in the exercise of the powers conferred by paragraph (1), the inspector may also –
 - (a) take possession of any dependent offspring of the animal;
 - (b) remove, or arrange for the removal of, the animal and any dependent offspring to a place of safety;
 - (c) care for, or arrange for the care of, the animal and any dependent offspring –
 - (i) on the premises where the animal was being kept when it was taken into possession; or
 - (ii) at another place that the inspector thinks fit; and
 - (d) identify the animal and any dependent offspring in any way.
- (4) A person acting under paragraph (3)(c)(i) may make use of equipment and feed on the premises for the purpose of caring for the animal and any dependent offspring.
- (5) A person exercising a power under this Article without the knowledge of a person responsible for the animal concerned must, as soon as reasonably practicable, take reasonable steps to notify the person responsible of the exercise of the power and the reason for it.
- (6) A veterinary surgeon may examine, and take samples from, an animal for the purpose of forming an opinion under paragraph (1)(b) or (c) or (2)(a).
- (7) Expenses reasonably incurred by an inspector or veterinary surgeon in exercising a power under this Article are recoverable –
 - (a) from the owner or other person responsible for the animal as a civil debt; or
 - (b) if a person is convicted of an offence under animal welfare legislation in respect of the animal or any dependent offspring, as costs of the prosecution.

PART 4

STRAYING LIVESTOCK

14 Interpretation of Part 4

In this Part –

“livestock” means cattle, goats, horses, pigs, sheep and any other animal that the Minister may by Order prescribe;

“public place” means a public road and any other place open to the public that the Minister may by Order prescribe.

15 Offences in relation to straying animals

A person responsible for livestock commits an offence if livestock stray into a public place and that person –

- (a) fails to co-operate with an inspector to remove the livestock to a safe place; or
- (b) fails to take all reasonable steps to immediately secure the livestock in that public place.

16 Powers of police officers and inspectors in relation to straying livestock

A police officer or an inspector may remove to a safe place any livestock that has strayed into a public place.

17 Improvement notices

If a veterinary inspector confirms to an inspector that livestock is 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, the inspector may serve an improvement notice under Article 12 on the person responsible for the livestock.

PART 5

LICENSING

18 Grant of licence

- (1) The Minister may by Order make provision for a licensing system for any activity that requires a licence, including the procedure for –
 - (a) applying for a licence;
 - (b) amending or varying a licence;
 - (c) revoking or suspending a licence;
 - (d) appealing a decision made in relation to a licence.
- (2) A person who is subject to an order made under Article 28(2) may not apply for a licence.

19 Licences as evidence of lawful activity

- (1) A person claiming to act under the authority of a licence must –
 - (a) if required by the licence, keep the licence or a copy of it in their possession at all times during the carrying on of an activity under the authority of the licence;
 - (b) if requested by an inspector –
 - (i) produce the licence or a copy of it immediately;
 - (ii) produce the licence or a copy of it at a time and place specified by the inspector;
 - (iii) send a copy of the licence by post or by electronic means to an address specified by the inspector; or
 - (iv) permit the inspector to view and copy the licence;

- (c) retain the licence or copy and any other documentation relating to the activity in question for the duration of the licence and for a period of at least 6 months beginning with –
 - (i) the date of expiry of the licence; or
 - (ii) another date specified by the Minister by Order or in the licence conditions.
- (2) A licence and any copy of a licence may be produced by electronic means.
- (3) A person who fails to comply with paragraph (1) commits an offence.

20 Offence of providing false information in connection with licence

A person commits an offence if in, or in connection with, an application for a licence, the person knowingly or recklessly makes a material statement or provides material information that is false or misleading.

PART 6

INSPECTION AND ENFORCEMENT

21 Appointment of inspectors etc.

- (1) The Minister may appoint persons other than the States Veterinary Officer to carry out the functions of an inspector for the purposes of animal welfare legislation.
- (2) The Minister may designate a person to carry out the functions of a veterinary inspector for the purposes of animal welfare legislation if that person is –
 - (a) an inspector appointed under paragraph (1); and
 - (b) a veterinary surgeon.
- (3) The States Veterinary Officer is a veterinary inspector.
- (4) Without limiting the effect of paragraphs (1) and (2), the Minister may appoint officers, who may or may not also be those appointed as inspectors or designated under those paragraphs, to carry out functions specified by animal welfare legislation or required by an international obligation.
- (5) An appointment or designation under this Article may be made on terms, and subject to conditions, that the Minister considers appropriate.

22 Inspectors' powers of entry etc.

- (1) If an inspector has reason to believe that a person is committing or has committed an offence under Parts 2 or 3 or Article 29, or under other animal welfare legislation, the inspector may, at any reasonable hour and for the purposes of investigating whether an offence has been committed –
 - (a) enter and search any premises;
 - (b) stop, enter and search any vehicle; and
 - (c) seize and detain any property (including an animal) found on the premises or in the vehicle.

- (2) If an inspector gives at least 24 hours' notice in writing of the intended entry, the inspector may enter any premises used for the purposes of an activity carried out under a licence or under animal welfare legislation, and after entering the premises the inspector may –
 - (a) search the premises; and
 - (b) seize and detain any property (including an animal) found on the premises.
- (3) An inspector may exercise the powers described in paragraph (1)(a) to (c), and in doing so may use force that is reasonably necessary in the circumstances, if the inspector has reason to believe that –
 - (a) on any premises or in any vehicle, an animal is experiencing suffering; and
 - (b) immediate action is required to alleviate that suffering.
- (4) The Bailiff or a Jurat may grant a warrant authorising an inspector to enter premises, using force that is reasonably necessary, if the Bailiff or Jurat is satisfied on sworn information that –
 - (a) there are reasonable grounds, such as mentioned in paragraph (1), for entry onto the premises; and
 - (b) either –
 - (i) the premises are used wholly or mainly as a private dwelling; or
 - (ii) any of the circumstances in paragraph (5) apply.
- (5) The circumstances mentioned in paragraph (4)(b)(ii) are that –
 - (a) admission has been refused, or a refusal is expected, and (in either case) notice of the application for a warrant has been given to the occupier;
 - (b) asking for admission, or the giving of notice of an application for a warrant, would defeat the object of the entry;
 - (c) the case is urgent; or
 - (d) the premises are unoccupied or the occupier is absent.
- (6) A warrant granted under this Article is valid for 1 month and must contain a requirement that an inspector who is not a police officer may exercise powers under the warrant only if accompanied by a police officer.
- (7) An inspector seeking to exercise a power conferred by paragraph (1), (3) or (4) must, if asked to do so by the owner or occupier of the premises and before exercising the power, produce a warrant or other written evidence of the inspector's authority.
- (8) An inspector who exercises power to enter premises that are unoccupied or whose occupier is absent must, so far as reasonably practicable, leave the premises secured as effectively as the inspector found them.

23 Enforcement: supplementary powers

- (1) An inspector entering any premises or vehicle under Article 22 may, for the purpose of investigating whether or not an offence has been committed, do any thing and take any step that is reasonably necessary, including (but not limited to) the actions listed in paragraph (2) and the exercise of the powers conferred by paragraph (3).
- (2) The actions mentioned in paragraph (1) are –
 - (a) inspecting, examining and seizing anything on the premises or in the vehicle, including animals and documents (including those stored in electronic form);

- (b) transcribing, copying and retaining any documents and records;
 - (c) recording, measuring or photographing anything on or in the premises or vehicle;
 - (d) detaining, isolating or requiring the movement of any animal;
 - (e) identifying any animal or thing;
 - (f) taking samples from any animal or thing.
- (3) An inspector may, by notice served on a person who is the occupier of premises or owner of any vehicle, require that person to take any reasonable steps that the inspector specifies, including steps –
- (a) to deal with any animal of which the person has charge, in a manner that may be specified;
 - (b) to detain an animal at the premises or in the vehicle, or to move an animal to other premises specified in the notice, under any conditions that may be specified;
 - (c) to undertake any action for the purposes of compliance with animal welfare legislation, including the purpose of facilitating the exercise of the inspector’s function.
- (4) An inspector exercising powers under this Article may, if they consider it necessary –
- (a) be accompanied by other people; and
 - (b) take any equipment (including vehicles) onto any premises.
- (5) An inspector may authorise a person that the inspector considers competent to carry out the functions of the inspector under paragraph (1) or (2), and if the inspector does so paragraph (6) and Articles 24 and 30 apply to that person as if that person was an inspector.
- (6) If an inspector seizes or detains any property under this Article or Article 22, the inspector must give, to any person who appears to the inspector to be the person owning or otherwise having possession or control of that property, a receipt for the property in writing and stating the date on which, and the powers under which, it has been seized or detained.

24 Liability of inspectors

- (1) An inspector, an officer appointed under Article 21(4), and any other person accompanying an inspector including a person taking steps under Article 13(1) and a person accompanying an inspector under Article 23(4), is not personally liable for anything that person does when acting in the execution or purported execution of powers under animal welfare legislation.
- (2) Nothing in this Article is to be taken to exclude liability of a public authority under Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).

25 Police officers as inspectors

A police officer may exercise all powers that are conferred on an inspector by this Part, except for those conferred by Articles 22(2), 23(2)(f) and (5), and 26.

26 Veterinary inspectors: exceptional measures

- (1) A veterinary inspector may carry out an assessment for the purpose of considering whether any exceptional measures are necessary to ensure the welfare of an animal.
- (2) If, following an assessment, the veterinary inspector considers that exceptional measures are necessary, the veterinary inspector may –
 - (a) license a person to carry out an action otherwise prohibited by animal welfare legislation;
 - (b) exempt a person, by notice in writing, from a requirement of animal welfare legislation; or
 - (c) prohibit a person, by notice in writing, from carrying out an action that would otherwise be permitted, or not prohibited, by animal welfare legislation.

27 Offence of obstruction

- (1) A person who obstructs an inspector or other person (“P”) in the exercise of powers under animal welfare legislation commits an offence.
- (2) A person obstructs P including if the person –
 - (a) interferes with, or permits to be interfered with, anything done by P acting in the exercise of powers under animal welfare legislation ;
 - (b) fails to give, to P, any assistance or information that P reasonably requires;
 - (c) knowingly or reckless provides P with information that is false or misleading;
 - (d) fails to produce, to P, any document or record.

28 Powers of court on conviction

- (1) A court may order that the owner of an animal be deprived of the ownership of that animal, and may make any consequential order in relation to the animal it considers appropriate, if –
 - (a) the owner is convicted of an offence under animal welfare legislation in relation to that animal; and
 - (b) the court is satisfied that the animal is likely to be exposed, if it remains with the owner, to further suffering or to the risk of a further offence.
- (2) A court before which a person is convicted of an offence under animal welfare legislation may, in addition to any other penalty –
 - (a) order the person is disqualified from keeping or otherwise having responsibility for an animal, for any period that the court thinks fit, and the order may be made by reference to –
 - (i) all or specified circumstances; and
 - (ii) a particular animal, or animals of specified descriptions or kinds;
 - (b) order the revocation of any licence held by that person under animal welfare legislation if a licence or other similar authorisation relates in whole or in part to the welfare of an animal;
 - (c) whether or not the person is the holder of a licence, disqualify the person from holding any licence or authorisation under animal welfare legislation mentioned in sub-paragraph (b), for any period that the court thinks fit.

- (3) If the court orders that a person is disqualified from keeping an animal or from holding a licence or other authorisation, the court must also specify the earliest date on which the person may apply to the court to remove the disqualification.
- (4) If the court orders the revocation of a licence or other similar authorisation, or disqualification of a person from keeping an animal or otherwise having responsibility for an animal, or from holding a licence, it may suspend the operation of the order –
 - (a) for any period that the court thinks necessary for enabling arrangements to be made for the keeping of the animal; or
 - (b) pending an appeal against the order.
- (5) The court may order the destruction of an animal, and assign the animal to a suitable person for that purpose, if the court is satisfied that the destruction of the animal is necessary –
 - (a) to alleviate its suffering; and
 - (b) in the animal's best interests.
- (6) The person to whom an animal is assigned under paragraph (5) must –
 - (a) destroy the animal, or ensure its destruction in their presence, as soon as practicable and without causing unnecessary suffering; and
 - (b) dispose of the animal's carcass in a manner that the court may direct.
- (7) Expenses incurred in the destruction of an animal and in the disposal of its carcass are payable by the former owner of the animal and recoverable from that former owner as a civil debt.

29 Further provisions as to disqualification

- (1) A person disqualified from keeping an animal or from holding a licence or other similar authorisation by order of the court under Article 28 may, at any time after the date specified in the court order and, subject to paragraph (3), apply to the court to remove the disqualification.
- (2) On hearing an application under paragraph (1), the court may, having regard to the character of the applicant, the applicant's conduct since the making of the order, the nature of the offence of which the applicant was convicted and any other circumstances of the case –
 - (a) direct that, as from the date specified in the direction, the disqualification be removed or the order be varied to apply only to animals or licences specified in the direction; or
 - (b) refuse the application.
- (3) If, under paragraph (2), the court directs the variation of a disqualification order or refuses the application, a fresh approval for removal of the disqualification may not be made until after the expiry of 6 months beginning with the date of the direction or refusal.
- (4) A person commits an offence if, in contravention of an order made under Article 28, they keep or otherwise have responsibility for an animal or obtain a licence.

30 Recovery of costs

If, in the investigation or enforcement of animal welfare legislation, costs are incurred by the Minister, the States Veterinary Officer, an inspector or any other officer for which the Minister has responsibility –

- (a) those costs may be claimed from any person convicted of an offence with which the investigation or enforcement was concerned; and
- (b) the claim may be enforced as a civil debt due by that person to the person making the claim.

31 Offences and Penalties

- (1) A person who commits an offence under Article 10, 12, 15 or 19 is liable to imprisonment for 6 months and to a fine of level 2 on the standard scale.
- (2) A person who commits an offence under any other provision in this Law is liable to imprisonment for 5 years and to a fine.
- (3) A person is guilty of an offence and liable to imprisonment for 2 years and to a fine if the person knowingly or recklessly contravenes any requirement of an Order made under this Law (including the terms of any notice, licence or other requirement imposed under it).

32 Calculation of penalty

If an offence under animal welfare legislation is committed in respect of more than 1 animal, the maximum penalty that may be imposed in respect of the offence may be determined as if the offender had been convicted of a separate offence in respect of each animal.

33 Forfeiture

A court that convicts a person of an offence under animal welfare legislation –

- (a) may order the seizure and, if appropriate, the forfeiture of any vehicle, animal, weapon, instrument or other thing used to commit the offence; and
- (b) in the case of an offence under Part 3, may order the seizure and, if appropriate, the forfeiture of any animal that is –
 - (i) of the same kind as that in respect of which the offence was committed; and
 - (ii) found in the offender's possession.

PART 7

GENERAL PROVISIONS

34 Orders

- (1) The Minister may by Order make provision –

- (a) relating to any matter required or permitted by this Law to be prescribed or specified by Order, including the amount and payment of fees and the payment and recovery of costs and expenses;
 - (b) for the purposes of protecting animal welfare; and
 - (c) (without limiting sub-paragraphs (a) and (b)) for any of the purposes set out in paragraph (2).
- (2) The purposes mentioned in paragraph (1)(b) are –
- (a) to make further provision as to the functions of inspectors and veterinary inspectors and other authorised persons;
 - (b) to impose specific requirements by way of a licence or otherwise, including requirements as to licensing, training, qualifications and standards, in relation to the keeping of animals (including as a business or for reward);
 - (c) to require, prohibit or otherwise regulate the movement (including the import or export) of animals and animal products;
 - (d) to regulate, with a view to protecting animal welfare, the commercial breeding of animals, the sale of animals and trade in animals and animal products generally;
 - (e) to require a person to keep records for the purposes of any animal welfare legislation, of matters that may be specified and in a manner that may be specified;
 - (f) to make provision relating to identification of animals;
 - (g) to prohibit, or further regulate, activities relating to animals, and operations on and treatments of animals;
 - (h) to establish bodies with the function of advising the Minister on matters concerning animal welfare that are specified in the Order, and to make provision for the purposes of and in connection with the establishment and operation of the body.
- (3) An Order made for any purpose may be made –
- (a) in relation to particular animals or classes of animal (whether expressed in terms of species or otherwise);
 - (b) in relation to animals living wild in Jersey;
 - (c) generally or in relation to specified circumstances;
 - (d) subject to conditions (including conditions as to duration).
- (4) Orders under this Law may make transitional, saving, supplementary and consequential provision.

35 Codes of practice

- (1) The Minister may issue, revise or revoke codes of practice for the purpose of providing guidance in relation to the implementation of animal welfare legislation.
- (2) If the Minister proposes to issue or revise a code of practice, the Minister must –
 - (a) prepare a draft of the code;
 - (b) consult the persons the Minister considers appropriate; and
 - (c) consider any representations from the persons consulted.

- (3) The Minister must publish, in a manner that brings the matter to the notice of those concerned or affected –
 - (a) issued codes of practice;
 - (b) revised codes of practice; and
 - (c) the date on which the code or revised code comes into force or is revoked.
- (4) A court may take into account a code of practice when conducting criminal or civil proceedings.
- (5) A failure to comply with a code does not of itself make a person liable to civil or criminal proceedings.

36 Use of samples

If a sample has been taken from an animal or thing, that sample may be used for any purpose, in addition to the purpose for which it was taken, relating to the protection or promotion of animal welfare, animal health or human health.

37 Service of notices

- (1) This Article has effect in relation to a notice or other document required or authorised by or under animal welfare legislation to be given to or served on a person.
- (2) The notice or document may be given to or served on the person –
 - (a) by delivering it to the person;
 - (b) by leaving it at the person's proper address;
 - (c) by sending it by post to the person at that address; or
 - (d) by sending it by electronic means.
- (3) The notice or document may –
 - (a) in the case of a company, be given to or served on the secretary, clerk or other similar officer of the company or any person who purports to act in that capacity, by whatever name called; or
 - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this Article and Article 7 of the [Interpretation \(Jersey\) Law 1954](#), "proper address" means the person's last known address, except that –
 - (a) in the case of a company or its secretary, clerk or other officer or person referred to in paragraph (3)(a), the proper address is the address of the registered or principal office of the company; and
 - (b) in the case of a partnership or a person having the control or management of the partnership business, the proper address is the address of the principal office of the partnership.
- (5) The principal office of a company registered outside Jersey or of a partnership carrying on business outside Jersey is its principal office in Jersey.
- (6) A person may specify an address in Jersey other than their proper address, at which the person or someone acting on their behalf will accept the notices or documents mentioned in paragraph (1), and that other address is to be treated for the purposes of this Article and Article 7 of the [Interpretation \(Jersey\) Law 1954](#) as the person's proper address.

38 Offences by bodies corporate and others

- (1) In this Article –
- “relevant offence” means an offence under animal welfare legislation that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;
- “relevant person” means –
- (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
 - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –
 - (i) a general partner; or
 - (ii) a limited partner who is participating in the management of the partnership;
 - (c) if the relevant offence is committed by a body corporate other than an incorporated limited partnership –
 - (i) a director, manager, secretary or other similar officer of the body corporate; and
 - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member’s functions of management; and
 - (d) a person purporting to act in any capacity described in sub-paragraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person also commits an offence and is liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (3) Paragraph (4) applies if a relevant offence –
- (a) is an offence that may be committed by neglect; and
 - (b) is proved to be attributable to neglect on the part of a relevant person.
- (4) The relevant person also commits an offence and is liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

39 Repeals and savings

- (1) The [Animal Welfare \(Jersey\) Law 2004](#) (the “2004 Law”) is repealed.
- (2) The [Animal Welfare \(Poisons\) \(Jersey\) Order 2007](#) and the [Animal Welfare \(Licence Fee\) \(Jersey\) Order 2008](#) are repealed.
- (3) The [Animal Welfare \(Calves\) \(Jersey\) Order 2020](#) continues in full force and effect as if it were made under Article 34 of this Law.
- (4) A licence issued under Article 18 of the 2004 Law continues in full force and effect as if it were issued under an Order made under this Law.
- (5) A court order made under Article 30 of the 2004 Law continues in full force and effect as if it were made under Article 28 of this Law.
- (6) A court order made under Article 31 of the 2004 Law continues in full force and effect as if it were made under Article 29 of this Law.

40 Consequential amendments

- (1) In Article 52(10) of the [Road Traffic \(Jersey\) Law 1956](#), for the words from “Article 4” to “2004” there is substituted “Article 5 (offences of causing unnecessary suffering) and Article 9 (offence relating to abandonment or neglect of an animal) of the Animal Welfare (Jersey) Law 202-”.
- (2) In Article 33(3) of the [Medicines \(Jersey\) Law 1995](#), for “a scheme established by Regulations made under Article 11(2) of the [Animal Welfare \(Jersey\) Law 2004](#)” there is substituted “Article 8 of the Animal Welfare (Jersey) Law 202-”.
- (3) In Regulation 21(7) of the [Community Provisions \(Welfare of Animals during Transport\) \(Jersey\) Regulations 2013](#), after sub-paragraph (b) there is inserted –
 - (ba) the Animal Welfare (Jersey) Law 202- or any Order made under it;
- (4) In Regulation 16(4) of the [EU Legislation \(Aquatic Animal Health\) \(Jersey\) Regulations 2016](#), for “2004” there is substituted “202-”.
- (5) In Article 6(2)(b) of the [Animal Health \(Bird Diseases\) \(Jersey\) Order 2017](#), for “a scheme established by Regulations made under Article 11(2) of the [Animal Welfare \(Jersey\) Law 2004](#)” there is substituted “Article 8 of the Animal Welfare (Jersey) Law 202-”.
- (6) In Schedule 1 to the [Criminal Procedure \(Jersey\) Law 2018](#) –
 - (a) in paragraph (3), for “an offence” there is substituted “offences”;
 - (b) in paragraph (8), after “2004” there is inserted “or Article 5 of the Animal Welfare (Jersey) Law 202-”.
- (7) In Article 7(2) of the [Wildlife \(Jersey\) Law 2021](#), for “2004” there is substituted “202-”.

41 Citation and commencement

This Law may be cited as the Animal Welfare (Jersey) Law 202- and comes into force on a day to be specified by the Minister by Order.