

STATES OF JERSEY



DRAFT NON-COMMERCIAL MOVEMENT OF PET ANIMALS (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 2nd May 2006
by the Minister for Planning and Environment**

STATES GREFFE



Jersey

DRAFT NON-COMMERCIAL MOVEMENT OF PET ANIMALS (JERSEY) REGULATIONS 200-

REPORT

Background

For decades, the U.K. and the Channel Islands have maintained their rabies-free status by requiring a 6-month quarantine before permitting the import of any animal of a susceptible species. Advances in vaccination practice now permit the importation of appropriately vaccinated and certified dogs, cats and ferrets.

The details of the E.U. and U.K. regulations have changed and Jersey needs to update its legislation to keep in step.

The Draft Non-Commercial Movement of Pet Animals (Jersey) Regulations 200- provide for a new scheme to replace the pet passport scheme, based on the European Communities' legislation that came into force in 2004. There is little difference between the old and the new scheme. The main reason for the change is because the scheme is now governed by the E.U. and some provisions do not need to be catered for locally. In addition, this new scheme applies to ferrets as well as cats and dogs, and provides for animals to be imported by air as well as sea.

Accompanying Order to be made

The Draft Rabies (Importation of Dogs, Cats and other Mammals) (Amendment No. 6) (Jersey) Order 200- will make changes to the previous 1974 Order largely required by these Regulations, and may be made upon the adoption of the draft Regulations by the States.

Financial/manpower statement

There are no financial or manpower implications for the States arising from these draft Regulations.

Explanatory Note

These Regulations provide for a new scheme to replace the pet passport scheme, based on European Communities' legislation that came into force in 2004. There is little difference between the old and the new scheme; the main reason for the change is because the scheme is now governed by the EU and therefore some provisions do not need to be catered for locally. In addition this new scheme now applies to ferrets as well as dogs and cats. It also provides for animals to be imported by air as well as sea and for importation by sea no longer to be limited to the St. Malo route.

PART 1 – INTRODUCTORY PROVISIONS

Regulation 1 contains the definitions applicable to the Regulations and a provision applying the definitions in the Community Regulation establishing the scheme.

Regulation 2 sets out the scope and extent of the Regulations. They apply and enforce within Jersey the provisions of the Community Regulation that regulate the movement of pet dogs, cats and ferrets between Member States and from a third country after transit through a Member State. Jersey is treated as part of the UK for the purposes of the Community Regulation and our scheme only deals with pets arriving from an EU destination, albeit they may have originated from outside the EU. The provisions of the Community Regulation that disapply rabies restrictions with respect to most invertebrates, tropical fish, amphibia, reptiles, most birds and all rodents and domestic rabbits also apply to Jersey. Certain requirements regarding treatment and certification with respect to tape worm and ticks (*Regulation 6*) and the testing of blood (*Regulation 8(3)(c)(iii)*) only apply during the transitional period set out in the Community Regulation.

Regulation 3 exempts pets imported from the Republic of Ireland from the vaccination and blood-testing requirements of the Community Regulation as well as the tape worm and ticks requirements.

PART 2 - IDENTIFICATION, BLOOD-TESTING AND TREATMENT

Regulation 4 provides for dogs, cats and ferrets to be identified only by microchip. *Regulation 5* prescribes the waiting period between blood testing and bringing a dog or cat into Jersey as 6 months.

Regulation 6 requires a dog, cat or ferret to be treated against tape-worm and ticks between 24 and 48 hours before embarkation for Jersey. Further details of the treatment and the certification required are specified.

PART 3 – BRINGING DOGS, CATS AND FERRETS INTO JERSEY

Regulation 7 provides for dogs, cats and ferrets to be imported into Jersey using an approved carrier and sets out the mechanism for the Minister for Planning and Environment to approve a carrier. The *Schedule* sets out written procedures that carriers must follow. *Regulation 8* specifies the duties on carriers to check microchips and passports. If the carrier is not satisfied that the pet meets the regulatory requirements the pet must not be brought to Jersey or, if the checks were carried out in Jersey or during transit, it must ensure the pet is quarantined. Where the carrier is satisfied that the pet meets the requirements it must issue the necessary certification,

including, in the case of a pet imported in a motor vehicle, a sticker or hanger stating compliance with the scheme.

Regulation 9 sets out the requirements for the pet owner to display the sticker or hanger if importing the pet in a vehicle. All owners must produce the passport and the certificate of entry on demand at the port or airport and must make the pet available for checking.

PART 4 – ADMINISTRATION AND ENFORCEMENT

Regulation 10 designates the Minister as the competent authority for the purposes of authorizing vets and granting derogations in relation to the importation of puppies and kittens under 3 months old in accordance with the Community Regulation.

Regulation 11 makes further provision with regard to approvals, authorizations and derogations.

Regulation 12 gives a power of entry and to carry out checks to inspectors.

Regulation 13 prohibits obstruction of, or failing to give assistance to, or providing false information to, a person acting in the execution of the Community Regulations or these Regulations. *Regulation 14* outlaws the alteration of pet passports and possession of altered or false passports. *Regulation 15* makes the contravention of these and other provisions an offence carrying 6 months' imprisonment and/or a fine at level 4 on the standard scale (£5,000). The Regulation also contains the standard provisions concerning criminal liability.

PART 5 – CLOSING PROVISIONS

Regulation 16 treats a carrier approved under the previous scheme as approved under the new scheme. *Regulation 17* revokes the Order establishing the original pet travel scheme. *Regulation 18* is the citation provision and provides for the Regulations to come into force 7 days after they are made.



Jersey

DRAFT NON-COMMERCIAL MOVEMENT OF PET ANIMALS (JERSEY) REGULATIONS 200-

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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996¹, have made the following Regulations –

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

(1) In these Regulations unless the context otherwise requires –

“carrier” means any undertaking carrying goods or passengers for hire by sea or air;

“Minister” means the Minister for Planning and Environment;

“Community Regulation” means Regulation (EC) No. 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EC (O.J. No. L146, 13.6.03, p.1) and any other Community instrument amending it or to be read with it;

“inspector” means a person appointed by the Minister to be an inspector for the purposes of the Diseases of Animals (Jersey) Law 1956², and shall be taken to include the Veterinary Officer appointed under Article 2 of that Law;

“microchip” means an electronic identification system (transponder) as specified in Article 4(1) of the Community Regulation;

“tape worm” means *Echinococcus multilocularis*.

(2) Expressions defined in the Community Regulation have the same meaning in these Regulations.

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- (3) A reference in these Regulations to a dog, cat or ferret means a dog, cat or ferret that is a pet animal.

2 Scope and extent

- (1) These Regulations apply and enforce within Jersey those provisions of the Community Regulation that regulate the movement of pet animals listed in Parts A (dogs and cats) and B (ferrets) of Annex I to the Community Regulation –
- (a) between Member States; and
 - (b) from a third country listed in section 2 of part B or in part C of Annex II to that Regulation after transit through a Member State listed in part B of that Annex.
- (2) These Regulations apply within Jersey Article 7 of the Community Regulation (so that movement between Member States or from a territory listed in section 2 of part B of Annex II to that Regulation of animals of the species listed in part C of Annex I are not subject to any requirement of any enactment that relates to the control of rabies).
- (3) The Community Regulation applies to Jersey as if Jersey were part of the United Kingdom.
- (4) There shall be no point of entry in Jersey into Community territory for the purpose of the Community Regulation (so that these Regulations do not enforce within Jersey the provisions of Chapter III of the Community Regulation that Regulate movement of pet animals directly from third countries).
- (5) Regulations 6 and 8(3)(c)(iii) of these Regulations apply during the transitional period specified in Articles 16 and 6(1) respectively of the Community Regulation (subject to any extension of such period in respect of Article 6(1)).

3 Exemption from certain transitional requirements with respect to pet animals from the Republic of Ireland

Pet animals brought into Jersey from the Republic of Ireland need not comply with the following requirements that apply only for a transitional period –

- (a) the vaccination and antibody titration requirements provided for in Articles 6(1) of the Community Regulation; and
- (b) Regulation 6.

PART 2

IDENTIFICATION, BLOOD-TESTING AND TREATMENT

4 Identification of dogs, cats and ferrets

For the purposes of Article 4 of the Community Regulation, dogs, cats and ferrets may only be identified by microchip.

5 Waiting period after satisfactory blood test

The neutralising antibody titration referred to in Article 6(1) of the Community Regulation must be carried out on a blood sample taken at least 6 months before the dog or cat is brought into Jersey.

6 Treatment and certification in respect of tape worm and ticks

- (1) Not less than 24 and not more than 48 hours before embarkation for Jersey a dog, cat or ferret must be treated against tape worm and ticks by a veterinary surgeon entitled to practise medicine in the country in which the treatment is administered.
- (2) The treatment must be with a veterinary medicine with a marketing authorization in the country in which the treatment is administered at an appropriate dosage, and –
 - (a) in the case of treatment against tape worm must contain praziquantel as the active ingredient; and
 - (b) in the case of treatment against ticks must not be by means of a collar impregnated with acaricide.
- (3) In addition to the certification required by the Community Regulation, the passport accompanying each dog, cat and ferret must –
 - (a) specify the manufacturer of each treatment administered in respect of tape worm and ticks, the product used for each treatment, and the date and time of such administration; and
 - (b) be signed and stamped in respect of those treatments by the veterinary surgeon who administered them.

PART 3

BRINGING DOGS, CATS AND FERRETS INTO JERSEY

7 Carriers

- (1) Pet dogs, cats and ferrets may only be brought into Jersey under the Community Regulation using a carrier approved under this Regulation.
- (2) The Minister may approve a carrier if the Minister is satisfied that –
 - (a) the carrier complies with the requirements in the Schedule;
 - (b) the written procedures and contingency plans required in the Schedule are adequate; and
 - (c) the carrier will comply with the Community Regulation and these Regulations, the written procedures required in the Schedule and any conditions of the approval.
- (3) The approval shall specify –
 - (a) where checks must be carried out;
 - (b) the routes to be used by the approved carrier to bring a dog, cat or ferret into Jersey; and

- (c) any other conditions that the Minister considers appropriate.
- (4) A carrier must provide such information to the Minister as the Minister reasonably requires.
- (5) A carrier must comply with the terms and conditions of its approval.

8 Duties on carriers

- (1) A carrier must check the microchip and the passport of every dog, cat or ferret it brings into Jersey under the Community Regulation.
- (2) The checks must be performed in the place and in the manner specified in the carrier's approval.
- (3) The carrier must be satisfied that –
 - (a) the animal has been implanted with a microchip;
 - (b) the number of the microchip corresponds with the number of the microchip recorded in the passport and any supporting documentation;
 - (c) the passport shows that –
 - (i) it is current,
 - (ii) the animal has been vaccinated against rabies (and revaccinated if applicable) in accordance with the Community Regulation,
 - (iii) in the case of a dog or a cat or, if it has come from a third country in accordance with Article 8(1)(a) of the Community Regulation, a ferret, a neutralising antibody titration has been carried out on a blood sample from the animal in accordance with the Community Regulation and these Regulations and has met the requirements of the Community Regulation, and
 - (iv) Regulation 6 has been complied with; and
 - (d) there is no indication that the passport has been falsified or unlawfully altered.
- (4) If the passport of a dog or cat shows that it was vaccinated or its blood sample was taken before its microchip was inserted it shall not fail either of the checks in paragraphs (3)(c)(ii) and (iii) for that reason if –
 - (a) the animal was vaccinated in a country or territory where the competent authority (or a body authorized by that authority) operates a mandatory identification system under which that species is required to be registered and identified by tattoo or microchip, or by tattoo only;
 - (b) the number of the animal's tattoo corresponds with the number of the tattoo recorded in the passport and any supporting documentation; and
 - (c) the passport shows that the animal was vaccinated after it was tattooed and before the blood sample was taken.

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- (5) If, after carrying out the checks, the carrier is not satisfied that the dog, cat or ferret may be brought into Jersey under the Community Regulation and these Regulations –
- (a) where the checks were performed outside Jersey (other than during transport directly to Jersey), the carrier must not bring the animal into Jersey;
 - (b) where the checks were performed in Jersey or during transport directly to Jersey, the carrier must ensure that the animal is transferred to quarantine facilities in accordance with the Rabies (Importation of Dogs, Cats and Other Mammals) (Jersey) Order 1976³ or is otherwise dealt with under the provisions of that Order.
- (6) If, after carrying out the checks, the carrier is satisfied that the dog, cat or ferret may be brought into Jersey under the Community Regulations and these Regulations it must –
- (a) issue a certificate to the person in charge of the animal that –
 - (i) is signed and dated by a representative of the carrier,
 - (ii) states that the animal complies with the provisions of the Community Regulation and these Regulations, and
 - (iii) states the date of movement to Jersey; and
 - (b) if the animal is brought into Jersey in a motor vehicle, give the person in charge a sticker or hanger for display on the vehicle stating that it is carrying a pet animal that has been checked and found to comply with the provisions of the Community Regulation and these Regulations.

9 Duties at the port of arrival

- (1) A person bringing a dog, cat or ferret into Jersey in a vehicle under the Community Regulation and these Regulations must display the sticker or hanger given by the carrier in a prominent position in the windscreen until the vehicle leaves the port of arrival.
- (2) A person bringing a dog, cat or ferret into Jersey under the Community Regulation and these Regulations must produce on demand by an inspector –
 - (a) in the case of arrival by sea, in the port area;
 - (b) in the case of air transport, in the airport,the passport and the certificate of entry given by the carrier under Regulation 8(6)(a) and must make the animal available for checking.

PART 4**ADMINISTRATION AND ENFORCEMENT****10 Designation of competent authority**

The Minister shall be the competent authority for the purposes of –

- (a) authorizing veterinarians under Articles 5(1) and 6(1) of the Community Regulation; and
- (b) granting derogations in relation to dogs and cats under 3 months old in accordance with Article 6(2) of the Community Regulation.

11 Approvals, authorizations and derogations

- (1) Approvals, authorizations and derogations under these Regulations shall be in writing and may be made subject to such conditions as the Minister considers necessary to –
 - (a) ensure that the provisions of the Community Regulation and these Regulations are complied with; and
 - (b) protect public or animal health.
- (2) Approvals, authorizations and derogations may be amended, suspended or revoked by notice in writing at any time.
- (3) Approvals granted under Regulation 7 may be suspended or revoked if the Minister is reasonably of the opinion that the written procedures and contingency plans produced under the Schedule have not been complied with.

12 Powers of inspectors

- (1) An inspector shall, on producing if required to do so, some duly authenticated document showing the inspector's authority, have a right at all reasonable hours to enter any land or premises for the purpose of administering and enforcing the Community Regulation or these Regulations.
- (2) An inspector shall have powers to carry out all checks, searches and examinations that may be necessary to ascertain whether the Community Regulation or these Regulations are being complied with and in particular may examine and copy documentary or data processing material.
- (3) In this Regulation "premises" includes any vessel, boat, aircraft or vehicle of any other description but does not include premises used exclusively as a dwelling house.

13 Obstruction

A person must not –

- (a) intentionally obstruct any person acting in the execution of the Community Regulation or these Regulations;

- (b) without reasonable cause, fail to give any person acting in the execution of the Community Regulation or these Regulations any assistance or information which that person may reasonably require for the purposes of his or her functions under these Regulations; or
- (c) furnish to any person acting in the execution of the Community Regulations or these Regulations any information that he or she knows to be false or misleading.

14 Falsification of passports

- (1) A person other than a veterinarian authorized under Article 5(1) and 6(1) of the Community Regulation or a person acting at his or her direction must not alter any part of a passport other than the section giving details of the pet animal owner's name and address.
- (2) A person must not knowingly be in possession of –
 - (a) a passport that has been unlawfully altered; or
 - (b) a document that falsely purports to be a passport.

15 Offences

- (1) A person who contravenes –
 - (a) Regulation 7(5) (failure by a carrier to comply with the terms and conditions of its approval);
 - (b) Regulation 8 (duties on carriers);
 - (c) Regulation 9 (duties at the port of arrival);
 - (d) a condition of any approval, authorization or derogation under Regulation 11(1);
 - (e) Regulation 13 (obstruction); or
 - (f) Regulation 14 (falsification of passports),shall be guilty of an offence and liable to imprisonment for 6 months and to a fine of level 4 on the standard scale.
- (2) A person who aids, abets, counsels, or procures the commission of an offence under these Regulations shall be liable to be dealt with, tried and punished as a principal offender.
- (3) Where an offence under these Regulations committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of –
 - (a) any director, manager, secretary or similar officer of the body corporate; or
 - (b) any person who was purporting to act in such a capacity,the person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished accordingly.
- (4) Where the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to acts and defaults of a member in

connection with the member's functions of management as if the member were a director of the body corporate.

PART 5

CLOSING PROVISIONS

16 Savings

Any approval of a carrier under Article 9 of the Pet Travel Scheme (Jersey) Order 2003⁴ shall continue in force as an approval under these Regulations.

17 Revocation

The Pet Travel Scheme (Jersey) Order 2003⁵ is revoked.

18 Citation and commencement

These Regulations may be cited as the Non-Commercial Movement of Pet Animals (Jersey) Regulations 200- and shall come into force 7 days after they are made.

SCHEDULE

(Regulation 7(2))

CONDITIONS OF APPROVAL FOR CARRIERS

1 Training of staff

Staff having contact with passengers who may be travelling with dogs, cats or ferrets or staff who may be involved in checking dogs, cats or ferrets under these Regulations must be appropriately trained.

2 Procedures

- (1) The carrier must set out in writing procedures to ensure that a dog, cat or ferret presented for travel under the Community Regulation is –
 - (a) directed to an appropriate checking point;
 - (b) checked under these Regulations; and
 - (c) transported in an appropriate part of the vessel or aircraft in appropriate conditions.
- (2) The carrier must set out in writing procedures on what it will do if a dog, cat or ferret presented for travel contravenes the Community Regulation or these Regulations, or if a dog, cat or ferret is discovered that the carrier reasonably suspects is intended to be brought into to Jersey without being presented to the carrier for checking.
- (3) The carrier must set out in writing contingency plans for dealing with emergencies, including plans for vessels being diverted to another place of landing.

3 Checking facilities

- (1) The carrier must provide adequate facilities for checking dogs, cats and ferrets under these Regulations.
- (2) The facilities shall be adequately equipped, manned and maintained.

4 Veterinary assistance

The carrier must make arrangements for veterinary assistance to be provided where necessary.

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- ¹ *chapter 17.245*
 - ² *chapter 02.400*
 - ³ *chapter 02.400.70*
 - ⁴ *chapter 02.400.60*
 - ⁵ *chapter 02.400.60 (R&O.140/2003)*