



Jersey

DISEASES OF ANIMALS (BLUETONGUE) (JERSEY) ORDER 2006

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DISEASES OF ANIMALS (BLUETONGUE) (JERSEY) ORDER 2006

Contents

Article

1	Interpretation	5
2	Bluetongue	6
3	Vaccinations	6
4	Immediate action on suspicion of bluetongue	6
5	Animals to be kept indoors, where practicable	6
6	Service of notice	7
7	Investigatory powers	8
8	Declaration that Jersey is an infected area	9
9	Slaughter of animals	9
10	General duties of occupiers and keepers	9
11	Authorizations under this Order	10
12	Action in default of compliance	10
13	Assistants	10
13A	Powers of entry	10
14	Citation	11

ENDNOTES 12

Table of Legislation History	12
Table of Renumbered Provisions	12
Table of Endnote References	12



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THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Articles 1, 3, 6, 8, 10 and 42 of the Diseases of Animals (Jersey) Law 1956, orders as follows –¹

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Order, unless the context otherwise requires –
- “carcase” means the carcase of a ruminating animal;
 - “embryo” means the embryo of a ruminating animal;
 - “keeper” means a person who owns a ruminating animal, or is charged with keeping a ruminating animal (whether or not for financial reward);
 - “Law” means the Diseases of Animals (Jersey) Law 1956;
 - “ovum” means the ovum of a ruminating animal;
 - “premises” includes land, vehicles, vessels and aircraft;
 - “require” means to require by a notice in writing served on the person of whom the requirement is made;
 - “semen” means the semen of a ruminating animal;
 - “sentinel animals” means ruminating animals that do not have antibodies to the bluetongue virus and are used for surveillance for the disease;
 - “thing” includes a carcase, embryo, ovum, semen, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing;
 - “vector” means –
 - (a) an insect of the species *Culicoides imicola*; or
 - (b) any other insect of the genus *Culicoides* that, in the opinion of the Veterinary Officer, is capable of transmitting bluetongue;
 - “veterinary inspector” means an inspector who is a veterinary surgeon.

- (2) While a declaration that is published under Article 8 by the Veterinary Officer remains in force, Jersey is an infected area for the purposes of this Law.
- (3) For the purposes of this Order, a person is authorized to do a thing if, but only if, the authorization is in writing and, where it is given on conditions, the person complies with those conditions.

2 Bluetongue

For all of the purposes of the Law, “disease” includes bluetongue.

3 Vaccinations

A person shall not vaccinate a ruminating animal against bluetongue unless he or she is authorized by the Veterinary Officer to do so.

4 Immediate action on suspicion of bluetongue

- (1) Paragraphs (2) and (3) apply to a person who suspects or knows that any ruminating animal or carcase that is –
 - (a) in his or her possession;
 - (b) under his or her charge; or
 - (c) being examined or inspected by that person,is affected by bluetongue.
- (2) The person must immediately notify the Veterinary Officer.
- (3) The person must not move any ruminating animal or carcase on or off the premises, except as authorized by the Veterinary Officer.
- (4) A person who finds evidence of antibodies or antigens to the bluetongue virus in any ruminant animal, or to any vaccine for the disease, must immediately notify the Veterinary Officer.
- (5) In paragraph (3), “premises” means the premises where the animal or carcase to which paragraph (1) refers is located.

5 Animals to be kept indoors, where practicable

- (1) Paragraph (2) applies to –
 - (a) an occupier of premises; and
 - (b) a keeper,who suspects or knows that any ruminating animal or carcase that is on any premises or owned by that person or is in his or her possession or under his or her charge is affected by bluetongue.
- (2) Each of those persons must, where it is practicable to so provide, ensure that all ruminating animals on the premises are kept indoors.

- (3) In paragraph (2), “premises” means the premises where the animal or carcase to which paragraph (1) refers is located.

6 Service of notice

- (1) If the Veterinary Officer or any other inspector suspects or knows that bluetongue exists on any premises, he or she shall immediately serve a notice on –
- (a) the occupier of the premises; or
 - (b) the keeper of any ruminating animal that is on the premises.
- (2) The notice shall prohibit the entry on the premises, and the removal from the premises, of any ruminating animal, carcase, ovum, semen or embryo.
- (3) The notice shall also require the person on whom it is served to establish and keep an inventory of all ruminating animals on the premises, recording the following information for each species –
- (a) the number that are dead;
 - (b) the number that are alive but appear to be infected with bluetongue; and
 - (c) the number that are alive but do not appear to be infected with the disease.
- (4) The notice shall also require the person on whom it is served to keep the inventory up to date so as to take account of ruminating animals that are born or die on the premises subsequently, and to produce the inventory on demand to the Veterinary Officer or any other inspector.
- (5) The notice shall also require the following things to be done –
- (a) that all ruminating animals are (where it is practicable to do so) kept indoors or that they are kept as directed by the Veterinary Officer;
 - (b) that the premises and ruminating animals on them are subject to such vector control measures as the Veterinary Officer may direct;
 - (c) that carcases are destroyed, buried or disposed of as the Veterinary Officer may direct.
- (6) The Veterinary Officer may also serve a notice under this Article on the occupier of premises if the Veterinary Officer considers that the circumstances in paragraph (7) provide grounds for suspecting –
- (a) the existence of bluetongue;
 - (b) the exposure of animals to the disease; or
 - (c) the presence of vectors,
- on the premises.
- (7) The circumstances to which paragraph (6) refers are –
- (a) the location of the premises in relation to other premises (whether in Jersey or elsewhere) where bluetongue is suspected or known to exist; or

- (b) contacts between the first premises and those other premises.
- (8) A person on whom a notice is served under this Article must comply with the terms of the notice.
- (9) This Article applies whether or not notification has been given under Article 4.

7 Investigatory powers

- (1) If the Veterinary Officer or any other inspector serves a notice under Article 6 in respect of any premises, the Veterinary Officer or any other veterinary inspector may for the purposes of the Law do any of the following things –
 - (a) require an appropriate person to produce to the Veterinary Officer or to any other veterinary inspector, for examination or testing on the premises, any ruminating animal, carcase or thing on the premises;
 - (b) require an appropriate person to ensure the detention, isolation, restraint or treatment of any such animal;
 - (c) make such tests and take such samples (including blood samples) from any such animal, carcase or thing as the Veterinary Officer or other veterinary inspector may consider necessary for the purpose of diagnosis;
 - (d) mark the animal, carcase or thing for identification purposes;
 - (e) require an appropriate person to ensure the destruction, burial, disposal or treatment of any thing;
 - (f) require an appropriate person to ensure the cleansing and disinfection of any part of the premises or of any person, animal or thing on the premises;
 - (g) require the occupier, any veterinary surgeon who has attended any animal on the premises and any other person who has been in charge of or in contact with any such animal to inform the Veterinary Officer or any other inspector of any other animal or other premises with which the first animal may have come into contact;
 - (h) collect vectors and set traps for the collection of vectors; and
 - (i) implement such other vector control measures as the Veterinary Officer or any other veterinary inspector considers necessary.
- (2) A person of whom a requirement is made under this Article must comply with the requirement.
- (3) In this Article, “appropriate person” means –
 - (a) the occupier of the premises;
 - (b) where the requirement relates to an animal on the premises, the keeper of the animal; and

- (c) where the requirement relates to a carcase or other thing on the premises, the owner of the carcase or other thing.

8 Declaration that Jersey is an infected area

- (1) If the Veterinary Officer confirms that blue tongue exists in Jersey, he or she shall by a notice published in the Jersey Gazette declare that Jersey is an area infected with bluetongue.
- (2) The declaration shall remain in force until the Veterinary Officer by a notice published in the Jersey Gazette declares that Jersey is no longer an infected area.
- (3) While Jersey is an infected area, a person shall not move any ruminating animal, carcase, ovum, semen or embryo from the premises on which it is kept, unless the person is authorized by the Veterinary Officer to do so.
- (4) While Jersey is an infected area, the Veterinary Officer or any other veterinary inspector –
 - (a) shall have, in respect of any premises the same powers as he or she would have under Article 7 if he or she had served a notice under Article 6 in respect of those premises;
 - (b) may require an occupier of premises or a keeper of a ruminating animal on those premises to allow the vaccination of any ruminating animal kept on the premises; and
 - (c) may require the occupier or keeper to retain ruminating animals for use as sentinel animals or to allow the introduction of sentinel animals onto those premises.
- (5) A person of whom a requirement is made under this Article must comply with the requirement.

9 Slaughter of animals

Article 8 of the Law (which relates to slaughter and compensation) shall apply to bluetongue.

10 General duties of occupiers and keepers

- (1) The Veterinary Officer or any other inspector may require a person who is an occupier of premises to whom this Order refers or a keeper of any ruminating animal on such premises –
 - (a) to compile and maintain such records (other than an inventory to which Article 6 refers) as the Veterinary Officer or other inspector may reasonably require and to produce such records to the Veterinary Officer or to any other inspector on request; and
 - (b) to provide such assistance and information as the Veterinary Officer or other inspector may reasonably require for the purpose of carrying out his or her functions under this Order.

- (2) A person of whom a requirement is made under this Article must comply with the requirement.

11 Authorizations under this Order

- (1) An authorization that is given under this Order may be unconditional or subject to conditions that are specified in the authorization.
- (2) A person to whom an authorization is given under this Order must comply with each condition to which the authorization is subject.
- (3) The Veterinary Officer may at any time in writing revoke, suspend or vary an authorization that is given under this Order.

12 Action in default of compliance

- (1) If a person fails to comply with a requirement made of that person under this Order, the Veterinary Officer may take such steps as are necessary or expedient to ensure that the requirement is complied with.
- (2) The amount of any expenses that are reasonably incurred under paragraph (1) shall be recoverable on behalf of the States, as a civil debt in any court of competent jurisdiction, from the person in default.

13 Assistants

The Veterinary Officer or any other inspector may, in carrying out his or her functions under this Order, do so with the assistance of any other person acting under his or her direction and control.

13A Powers of entry²

- (1) The Veterinary Officer or any other inspector may enter premises –
 - (a) for the purpose of the discharge of the functions conferred on that officeholder by this Order;
 - (b) for the purpose of monitoring compliance with any requirement imposed by or under this Order.
- (2) The powers of entry conferred by this Article may be exercised at any reasonable time or, in an emergency, at any time.
- (3) The Veterinary Officer or an inspector may, when entering premises, be accompanied by an assistant described in Article 13.
- (4) The Veterinary Officer or any other inspector shall, before entering premises, produce his or her authority, if so required.
- (5) The Veterinary Officer or any other inspector may only exercise the powers of entry conferred by this Article so as to enter any part of a dwelling if he or she believes that there is, in that part of the dwelling, any matter or thing that is relevant to the purposes described in paragraph (1).

- (6) If the Veterinary Officer or any other inspector enters premises that are unoccupied, he or she shall leave them as effectively secured against unauthorized entry as they were prior to his or her entry.
- (7) Articles 34 and 34A of the Law shall not apply for the purposes of this Order.

14 Citation

This Order may be cited as the Diseases of Animals (Bluetongue) (Jersey) Order 2006.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Diseases of Animals (Bluetongue) (Jersey) Order 2006	R&O.91/2006	7 September 2006
European Communities Legislation (Bluetongue) (Jersey) Regulations 2008	R&O.109/2008	8 September 2008

Table of Renumbered Provisions

Original	Current
14(1)	14
14(2)	Spent, omitted

Table of Endnote References

¹ Despite the repeal of the Diseases of Animals (Jersey) Law 1956, from 1 February 2017 this Order is to be treated as if made under the Animal Health (Jersey) Law 2016, except to the extent, if any, that it is inconsistent with it. See Article 33(2) of that Law as enacted.

² Article 13A

inserted by R&O.109/2008, Article 16(2) of which states that this provision, although inserted by Regulations, may be repealed by Order made by the Minister under Article 3 of the Diseases of Animals (Jersey) Law 1956