



Jersey

# **PET TRAVEL SCHEME (JERSEY) REGULATIONS 2011**

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## PET TRAVEL SCHEME (JERSEY) REGULATIONS 2011

**THE STATES**, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, have made the following Regulations –

Commencement [[see endnotes](#)]

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### 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;

“Commission Decision” means Commission Decision (EC) No. 2006/146 of 21st February 2006 on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia (O.J. No. L55 25.2.2006 p.44);

“Commission Decision animal” means a pet animal, being a pet dog or cat, in respect of which the requirements of the Commission Decision apply;

“Commission Implementing Regulation 2018/878” means Commission Implementing Regulation (EU) 2018/878 of 18 June 2018 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventative health measures for the control of *Echinococcus multilocularis* infection in dogs (O J L 155, 19.6.2018, p. 1);

“Community instrument” has the same meaning as is given to that expression by the European Communities (Jersey) Law 1973

“Community Regulation” means Regulation (EU) No. 576/2013<sup>1</sup> of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No. 998/2003 (O.J. L 146, 13.6.2003, p.1) and includes (except where otherwise specifically indicated) any other Community instrument amending, supplementing or implementing that Regulation or otherwise to be read with it;

“compliant animal” means a pet animal of a species listed in Part A of Annex I to the Community Regulation, the landing of which in Jersey complies with the requirements of the Community Regulation, the Implementing Regulation and, if applicable, of the Commission Decision;

“Implementing Regulation” means Commission Implementing Regulation (EU) No. 577<sup>2</sup> of 28 June 2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No. 576/2013 of the European Parliament and of the Council (O.J. L 178, 28.6.2013, p.109);

“inspector” means a person appointed as such under Article 6(1) of the [Animal Health \(Jersey\) Law 2016](#) and includes the States Veterinary Officer appointed under Article 5 of that Law;

“Minister” means the Minister for the Environment;

“non-compliant animal” means a pet animal of a species listed in Part A of Annex I to the Community Regulation which is not a compliant animal;

“prescribed” means prescribed by Order of the Minister.<sup>3</sup>

- (2) Unless the context otherwise requires, terms and expressions used in these Regulations and in the Community Regulation have the same meaning as in the Community Regulation.
- (3) The Minister may by Order amend any reference in these Regulations to any Community instrument.<sup>4</sup>
- (4) For the purposes of these Regulations, the table in Part 2 of the Annex to Commission Implementing Regulation 2018/878 is to be read as including the United Kingdom, despite any amendments made to that Annex after Article 2 of the [European Union \(Jersey\) Law 1973](#) is repealed.<sup>5</sup>

## **2 Designation of competent authority for approvals and derogations<sup>6</sup>**

- (1) The Minister shall be the competent authority for the purposes of carrying out the functions conferred on such an authority by the Community Regulation, and in particular (but without limitation) for the purposes of –
  - (a) appointing or authorizing any veterinarian to carry out the functions of an authorized or, as the case may be, official veterinarian under the Community Regulation;
  - (b) carrying out documentary and identity checks in accordance with Articles 33 and 34 of the Community Regulation; and
  - (c) taking action, in the case of a non-compliant animal, in accordance with Article 35 of the Community Regulation.
- (2) An appointment or authorization made under paragraph (1)(a) shall be in writing and may be –
  - (a) subject to such conditions as the Minister may consider necessary for the protection of public or animal health; and
  - (b) amended, suspended or revoked by notice in writing at any time.

### 3 Carriers

- (A1) In this Regulation “pet animal” means a pet animal of a species listed in Part A of Annex I to the Community Regulation.<sup>7</sup>
- (1) A person, including a carrier, must not bring a pet animal into Jersey unless –
- (a) the animal is brought into Jersey by a carrier approved by the Minister;
  - (b) the animal is a recognised assistance dog brought into Jersey in accordance with Regulation 4(1)(b); or
  - (c) the animal is brought into Jersey directly from another part of the British Islands or the Republic of Ireland.
- (2) The Minister shall grant approval by notice in writing to a carrier under this Regulation if the Minister is satisfied that, in respect of any pet animal brought into Jersey by the carrier, the carrier will –
- (a) check that the animal is a compliant animal; or
  - (b) if the animal is a non-compliant animal, bring the animal into Jersey only with the prior approval in writing of the Minister granted under paragraph (3).
- (3) The Minister may, upon payment of the prescribed fee, grant approval for bringing a non-compliant animal into Jersey from a Member State or third country listed in Part 1 of Annex II to the Implementing Regulation, such approval being addressed to the owner or the person responsible for bringing the animal into Jersey on the owner’s behalf and notified by the Minister to the carrier.<sup>8</sup>
- (4) The Minister shall not grant approval under paragraph (3) in respect of an animal which is a non-compliant animal by reason of its failure to comply with the Commission Decision.
- (5) An approval granted under paragraph (2) or (3) of this Regulation may contain such conditions as the Minister considers necessary or expedient to ensure a pet animal –
- (a) is a compliant animal; or
  - (b) in the case of a non-compliant animal, complies with such marking and identification requirements of the Community Regulation and of the Implementing Regulation (including requirements as to passports) as apply to a pet animal of the species in question,
- including any conditions relating to checks carried out on behalf of the carrier.<sup>9</sup>
- (6) The Minister may, by notice, in writing to the carrier, amend any approval given under paragraph (2).
- (7) If the Minister is satisfied that a carrier has failed to comply with a condition of its approval granted under paragraph (2), the Minister may suspend or withdraw the approval by giving notice in writing to the carrier with reasons for the suspension or withdrawal.

- (8) A carrier may, within 6 weeks of any notice given to the carrier under this Regulation, appeal to the Royal Court against the notice or any condition contained in the notice on the ground that it is unreasonable in all the circumstances of the case.
- (9) A person who –
  - (a) in the case of a carrier, contravenes paragraph (1), is liable to imprisonment for 6 months and a fine of level 3 on the standard scale;
  - (b) in the case of any other person, contravenes paragraph (1) without reasonable excuse, is liable to imprisonment for 6 months and a fine of level 3 on the standard scale.<sup>10</sup>
- (10) A carrier who contravenes a condition of approval granted under paragraph (2) is guilty of an offence and liable to imprisonment for 6 months and a fine of level 3 on the standard scale.<sup>11</sup>
- (11) A person who contravenes a condition of approval granted under paragraph (3) is guilty of an offence and liable to imprisonment for 12 months and a fine.

#### **4 Recognised assistance dogs**

- (1) A person must not bring into Jersey a recognised assistance dog unless –
  - (a) the dog is brought into Jersey in accordance with Regulation 3(1); or
  - (b) the dog –
    - (i) is brought into Jersey by a Community air carrier or a Union carrier, and
    - (ii) is a compliant animal.<sup>12</sup>
- (2) A carrier who is not approved under Regulation 3(2) and who brings a recognised assistance dog into Jersey having received notification of the request to bring the dog at least 48 hours prior to the estimated time of arrival in Jersey must give the Minister not less than 36 hours notice of the estimated time of arrival of the dog in Jersey.
- (3) In this Regulation –
  - (a) “Community air carrier” has the same meaning as in Regulation (EC) No. 1107/2006 of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (O.J. L 204, 26.7.2006, p.1), and for the purposes of travelling by air “recognised assistance dog” shall be interpreted in accordance with that Regulation;
  - (b) “Union carrier” has the same meaning as in Regulation (EU) No. 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterways and amending Regulation (EC) No. 2006/2004 (O.J. L 334, 17.12.2010, p.1), and for the purposes of travelling by sea and inland waterway “recognised



assistance dog” shall be interpreted in accordance with that Regulation.<sup>13</sup>

- (4) A person who contravenes paragraph (1) or (2) is guilty of an offence and liable to a fine of level 2 on the standard scale.

## **5 Non-compliant animals arriving in Jersey**

- (A1) A person must not bring a non-compliant animal into Jersey.<sup>14</sup>

- (1) If a non-compliant animal is landed in Jersey it shall –
- (a) be detained and isolated in quarantine at its owner’s expense, at such premises and subject to such conditions as an inspector may direct; or
  - (b) be exported, or caused to be exported, from Jersey.
- (2) An inspector or a police officer may seize, or cause to be seized any non-compliant animal which is required to be detained and isolated under this Regulation, including any non-compliant animal which has escaped such detention and isolation.
- (3) The period of detention and isolation in quarantine of a non-compliant animal under this Regulation shall end, unless the animal is a Commission Decision animal to which paragraph (4) applies, on whichever of the following dates occurs first –
- (a) the date that the animal complies with the identification and documentation (including passport) requirements of the Community Regulation that apply to that animal;
  - (b) the date that the animal is exported from Jersey under Regulation 6; or
  - (c) the date of any other event that ends the period in accordance with the Community Regulation.
- (4) If an animal is a non-compliant animal because the requirements of the Commission Decision are not complied with, any period of detention and isolation in quarantine shall end on the date that the animal is exported from Jersey.
- (5) If an inspector is satisfied that a non-compliant animal is in urgent need of veterinary treatment of a kind which cannot be administered at the premises where it is detained and isolated under paragraph (1)(a), an inspector may authorize the movement of the animal to a place at which such treatment can be administered, subject to compliance with such conditions as he or she may consider appropriate.
- (5A) Subject to paragraph (5B), a person who contravenes paragraph (A1) is guilty of an offence and liable to imprisonment for 12 months and a fine.<sup>15</sup>
- (5B) A carrier who contravenes paragraph (A1) is not guilty of an offence if the carrier is an approved carrier and, at the time the animal is brought into Jersey, the carrier complied with all conditions of the carrier’s approval that are relevant to the contravention.<sup>16</sup>

- (6) A person who contravenes any condition under paragraph (1) or (5) shall be guilty of an offence and liable to imprisonment for 12 months and a fine.

## **6 Release from quarantine**

- (1) An inspector may at any time, subject to such conditions as the inspector thinks necessary or expedient, direct the release of a non-compliant animal which is detained and isolated in quarantine under Regulation 5(1)(a) to allow the animal to be exported from Jersey at the owner's expense.
- (2) Any person who contravenes a condition under paragraph (1) shall be guilty of an offence and liable to imprisonment for 12 months and a fine.

## **7 Powers and protection of inspectors<sup>17</sup>**

- (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 (including the time of an animal's landing in Jersey) to –
- (a) enter any land or premises;
  - (b) stop any person or vehicle,
- 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 require the production of any document or record and may copy any document or record (whether or not in electronic form).
- (3) An inspector searching a person under this Regulation shall not be entitled to require a person to remove any of his or her clothing other than an outer coat, jacket, headgear, gloves and footwear.
- (4) A search of a person under this Regulation must be carried out by someone of the same sex.
- (5) 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.
- (6) An inspector is not personally liable for anything that he or she does –
- (a) when acting in the execution or purported execution of these Regulations; and
  - (b) when acting within the scope of his or her employment,
- if the inspector is acting in the honest belief that his or her duty under these Regulations requires or entitles the inspector to do it.<sup>18</sup>
- (7) Paragraph (6) does not affect any liability of the inspector's employer.<sup>19</sup>

**7A Fees for approvals, certificates etc.**<sup>20</sup>

- (1) The Minister may prescribe fees in respect of –
  - (a) the exercise of a function of the Minister, referred to in Regulations 2 or 3;
  - (b) the exercise of such a function, or of a function under any provision of the Community Regulation, by a person appointed or authorized in writing by the Minister to carry out that function; and
  - (c) the carrying out of any inspection, test or official examination carried out by or on behalf of an inspector under these Regulations or the Community Regulation.
- (2) Where a fee is prescribed under paragraph (1)(a) or (b) for the exercise of a function, the Minister or (as the case may be) the person appointed or authorized by the Minister may refuse to exercise that function until the prescribed fee is paid.
- (3) A fee prescribed under paragraph (1)(c) may be recovered by the Minister as a debt.
- (4) A fee prescribed under this Regulation may be calculated in such manner as the Minister may reasonably determine, including (but without limitation) calculation by reference to rates which represent reasonable costs and expenses incurred, or to particular units of time spent, in the exercise of the function or in carrying out the inspection, test or examination.

**8 Obstruction**

- (1) A person must not –
  - (a) intentionally obstruct any person acting in the execution of any function under the Community Regulation or under these Regulations;
  - (b) without reasonable cause, fail to give any person acting in the execution of any function under the Community Regulation or under these Regulations any assistance or information, including any document or record, which that person may reasonably require for the purposes of any of those functions; or
  - (c) furnish to any person acting in the execution of any function under the Community Regulation or under these Regulations any information (including any information contained in document or record) that he or she knows to be false or misleading.
- (2) A person who contravenes this Regulation is guilty of an offence and liable to imprisonment for 12 months and a fine.

**9 Falsification of passports etc.**

- (1) A person other than an authorized or official veterinarian 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.<sup>21</sup>

- (2) A person must not knowingly be in possession of –
  - (a) a passport or certificate that has been unlawfully altered; or
  - (b) a document that falsely purports to be a passport or certificate.
- (3) In paragraph (2) “certificate” means a certificate or other document certifying that the requirements of the Commission Decision have been met.
- (4) A person who contravenes this Regulation is guilty of an offence and liable to imprisonment for 12 months and a fine.

#### **9A False representations etc.<sup>22</sup>**

- (1) A person is guilty of an offence if, in purported compliance with a condition in Article 5(2) of the Community Regulation, the person –
  - (a) makes a false representation as to the purpose for which the non-commercial movement of pet animals is undertaken; or
  - (b) submits written evidence which is false in any material respect, knowing or having reason to believe the representation or (as the case may be) the evidence to be false.
- (2) A person is guilty of an offence if, in purported compliance with any of Articles 7(2), 11(2), 12(1)(c), 25(3) or 30(3) of the Community Regulation, the person provides a written declaration which is false in any material respect (including in particular, but not limited to, signature by the owner or other authorized person), knowing or having reason to believe the declaration to be false.
- (3) A person guilty of an offence under this Regulation is liable to imprisonment for 12 months and a fine.

#### **10 Offences by a body corporate etc.**

- (1) Where an offence under these Regulations committed by a limited liability partnership, a separate limited 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.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) 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.

**10A Safeguarding measures<sup>23</sup>**

The Minister may by Order amend these Regulations by any such provisions as he or she thinks necessary or expedient to give effect to any implementing act adopted by the Commission under Article 36 of the Community Regulation.

**11 Revocation**

The Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006 are revoked.

**12 Savings**

Notwithstanding Regulation 11, any approval of a carrier or authorization of a veterinarian under the Non-Commercial Movement of Pet Animals (Jersey) Regulations 2006 shall continue in force as an approval or authorization under these Regulations and anything done under those Regulations or, in relation to a pet animal or a Commission Decision animal, under the Rabies (Importation of Dogs, Cats and other Mammals) (Jersey) Order 1976 shall have effect as if done under these Regulations.

**13 Citation**

These Regulations may be cited as the Pet Travel Scheme (Jersey) Regulations 2011.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Pet Travel Scheme (Jersey) Regulations 2011	<a href="#">R&amp;O.165/2011</a>	1 January 2012	<a href="#">P.178/2011</a>
Pet Travel Scheme (Amendment) (Jersey) Regulations 2014	<a href="#">R&amp;O.185/2014</a>	29 December 2014	<a href="#">P.150/2014</a>
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016	<a href="#">P.46/2015</a> (re-issue)
Pet Travel Scheme (Amendment No. 2) (Jersey) Regulations 2016	<a href="#">R&amp;O.41/2016</a>	19 April 2016	<a href="#">P.16/2016</a>
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )	<a href="#">P.87/2015</a>
Animal Health (Jersey) Law 2016	<a href="#">L.12/2016</a>	1 February 2017 ( <a href="#">R&amp;O.2/2017</a> )	<a href="#">P.17/2016</a>
EU Legislation (Welfare of Animals during Transport and Pet Travel) (Amendment) (Jersey) Regulations 2020	<a href="#">R&amp;O.154/2020</a>	11 p.m. on 31 December 2020 ( <a href="#">R&amp;O.189/2020</a> )	<a href="#">P.135/2020</a>

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Endnote References

<sup>1</sup> [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0001:0026:en:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0001:0026:en:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0001:0026:en:PDF)

<sup>2</sup> [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0109:0148:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0109:0148:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0109:0148:EN:PDF)

<sup>3</sup> Regulation 1(1)

amended by R&O.185/2014, R&O.158/2015, R&O.41/2016, L.12/2016, R&O.154/2020

<sup>4</sup> Regulation 1(3)

added by R&O.185/2014

<sup>5</sup> Regulation 1(4)

inserted by R&O.154/2020

<sup>6</sup> Regulation 2

substituted by R&O.185/2014

<sup>7</sup> Regulation 3(A1)

inserted by R&O.41/2016

<sup>8</sup> Regulation 3(3)

amended by R&O.185/2014

<sup>9</sup> Regulation 3(5)

amended by R&O.185/2014

<sup>10</sup> Regulation 3(9)

amended by L.1/2016

<sup>11</sup> Regulation 3(10)

amended by L.1/2016

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- <sup>12</sup> *Regulation 4(1)*                      *amended by R&O.185/2014*  
<sup>13</sup> *Regulation 4(3)*                      *substituted by R&O.185/2014*  
<sup>14</sup> *Regulation 5(A1)*                      *inserted by R&O.41/2016*  
<sup>15</sup> *Regulation 5(5A)*                      *inserted by R&O.41/2016*  
<sup>16</sup> *Regulation 5(5B)*                      *inserted by R&O.41/2016*  
<sup>17</sup> *Regulation 7*                              *heading amended by R&O.41/2016*  
<sup>18</sup> *Regulation 7(6)*                      *added by R&O.41/2016*  
<sup>19</sup> *Regulation 7(7)*                      *added by R&O.41/2016*  
<sup>20</sup> *Regulation 7A*                              *inserted by R&O.185/2014*  
<sup>21</sup> *Regulation 9(1)*                      *amended by R&O.185/2014*  
<sup>22</sup> *Regulation 9A*                              *inserted by R&O.185/2014*  
<sup>23</sup> *Regulation 10A*                      *inserted by R&O.41/2016*