

PROJET DE LOI

ENTITLED

The Animal Experiments (Bailiwick of Guernsey) Law, 1992 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. X of 1992. See also the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).

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ARRANGEMENT OF SECTIONS

1. Procedures to which this Law applies.
2. Restrictions on use etc. of protected animals.
3. Licences.
4. Offences.
5. Meaning of "protected animal".
6. General interpretation.
7. Savings.
8. Citation.
9. Commencement.

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THE STATES, in pursuance of their Resolution of 26th October 1983^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Procedures to which this Law applies.

1. (1) This Law applies to any experimental or other scientific procedure involving the use of a protected animal, which –

- (a) may cause the animal pain, suffering, distress or lasting harm, or
- (b) is intended or liable to result in the birth or hatching of an animal in pain, suffering or distress, or the birth or hatching of an animal which has been caused lasting harm.

(2) In determining whether a procedure may have the effect mentioned in paragraph (1)(a) of this section the use of an anaesthetic or analgesic, and any procedure for rendering the animal insentient, are to be disregarded; and any of those things done to a protected animal for the purposes of an experimental

^a On Article VI of Billet d'État No. XIX of 1983.

or scientific procedure is itself a procedure to which this Law applies.

(3) Notwithstanding subsections (1) and (2) of this section, nothing in this Law applies to –

- (a) the killing, marking, ringing or tagging of an animal by the least painful methods accepted in modern practice, or
- (b) any non-experimental recognised agricultural, veterinary or animal husbandry practice.

Restrictions on use etc. of protected animals.

2. No person shall, otherwise than under and in accordance with the conditions of a licence –

- (a) use an animal in a procedure to which this Law applies, or
- (b) keep, breed, import, export, sell or otherwise dispose of an animal for use in a procedure to which this Law applies, or
- (c) provide or operate an establishment used for any of the purposes set out in paragraph (a) or paragraph (b) of this section.

Licences.

3. (1) The States may, from time to time, by Ordinance provide for the issuing of licences, and generally for the carrying into effect of this Law.

Consolidated text

(2) Without prejudice to the generality of subsection (1) of this section, an Ordinance made under this section may –

- (a) empower the Board to issue licences authorising the carrying on of any of the activities set out in section 2 of this Law,
- (b) specify conditions subject to which licences may be issued,
- (c) prescribe procedures for, and any fees payable in connection with, applications for licences, and the form of licences,
- (d) make provision for establishing compliance with conditions of licences, including provision for the appointment of inspectors and their powers,
- (e) specify the circumstances in which, and procedures in accordance with which, licences may be varied or revoked,
- (f) prescribe the maximum penalties which may be imposed upon a person convicted of an offence against any such Ordinance,
- (g) make such other provision as the States consider appropriate.

- (3) An Ordinance made under this section –
- (a) may make different provision for different cases and circumstances,
 - (b) may at any time be amended or repealed by a further Ordinance made under this section.

NOTE

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation, with effect from 19th May, 2008.

Offences.

4. (1) Any person who contravenes or attempts to contravene section 2 of this Law is guilty of an offence and liable –

- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both,
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding six months, or to both.

(2) Save as expressly provided by that Ordinance, any person who, otherwise than in such circumstances that he commits an offence under subsection (1) of this section, contravenes or attempts to contravene, or fails to comply with, a provision of any Ordinance made under this Law is guilty of an

offence against that Ordinance and liable on conviction to a fine not exceeding such amount as may from time to time be prescribed for that offence by any such Ordinance.

- (3) Any person who –
 - (a) causes or permits the commission of an offence under this section or against an Ordinance made under this Law, or
 - (b) aids, abets, counsels or procures the commission of an offence under this section or against an Ordinance made under this Law

may be proceeded against in the same manner, and is liable on conviction to the same punishment, as if he had committed that offence.

Meaning of "protected animal".

5. (1) For the purposes of this Law **"a protected animal"** means any living vertebrate other than man.

(2) Any such vertebrate in its foetal, larval or embryonic form is **"living"** for the purposes of this Law –

- (a) from the stage when –
 - (i) in the case of a mammal, bird or reptile, half the gestation or incubation period for the relevant species has elapsed,

Consolidated text

- (ii) in any other case, it becomes capable of independent feeding,
 - (b) until the permanent cessation of circulation or the destruction of its brain.
- (3) The Board may from time to time by regulations made under this section –
 - (a) extend the definition of a protected animal so as to include invertebrates of any description,
 - (b) alter any stage of development specified in paragraph (2)(a) of this section,
 - (c) make provision in lieu of paragraph (2)(a) of this section as respects invertebrates of any description.
- (4) Regulations made under this section shall be laid before a meeting of the States as soon as possible, and shall cease to have effect if the States so resolve of that meeting or their next meeting, but without prejudice to anything done under them or to the making of new regulations.

General interpretation.

- 6.** (1) In this Law, unless the context otherwise requires –

"the Board" means the States Agricultural and Milk Marketing Board or such other Committee of the States as the States may from time to time specify by Ordinance,

Consolidated text

"establishment" means any facilities for carrying on a procedure to which this Law applies, including mobile facilities and any building, group of buildings or other premises, whether or not enclosed or covered,

"licence" means a licence issued by the Board under the authority of an Ordinance made under section 3 of this Law,

"procedure" includes a series or combination of procedures,

"the States" means the States of Guernsey,

"vertebrate" means any animal of the Sub-phylum Vertebrata of the Phylum Chordata, and **"invertebrate"** is to be construed accordingly.

(2) Any reference in this Law to another enactment is a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

(3) The Interpretation (Guernsey) Law, 1948^b applies for the purposes of interpretation of this Law throughout the Bailiwick of Guernsey.

NOTES

In section 6, the States Agricultural and Milk Marketing Board, referred to in the definition of the expression "the Board" in subsection (1), has since been replaced by the States Agriculture and Countryside Board, the reference to which has since been substituted by a reference to the Commerce and Employment Department by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.

^b Ordres en Conseil Vol. XIII, p. 355.

Consolidated text

The functions, rights and liabilities of the Agriculture and Countryside Board and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Commerce and Employment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 2, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

Savings.

7. (1) Nothing in this Law or in a licence relieves any person of any liability arising under the Protection of Animals Ordinance, 1976^c or the Veterinary Surgery and Animal Welfare Ordinance, 1987^d.

(2) The prohibitions on importing or exporting animals imposed by paragraph (b) of section 2 of this Law are in addition to any other control applicable to importation or exportation, and a licence to import or export an animal does not relieve any person of any duty, obligation or liability arising under or in consequence of any provision of any such control.

Citation.

8. This Law may be cited as the Animal Experiments (Bailiwick of Guernsey) Law, [1991].

NOTE

The date in square brackets is shown, incorrectly, in the printed version of this section as "1991" should read "1992".

Commencement.

^c Recueil d'Ordonnances Tome XX, p. 369.

^d Ordinance No. X of 1987.

9. This Law shall come into force on such day as the States may by Ordinance appoint, and different days may be so appointed for different provisions of this Law and for different purposes.

NOTE

The Law is not yet in force.
