



Jersey

PET TRAVEL SCHEME (AMENDMENT) (JERSEY) REGULATIONS 2014

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*Made**25th November 2014**Coming into force**29th December 2014*

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

1 Interpretation

In these Regulations, the “principal Regulations” means the Pet Travel Scheme (Jersey) Regulations 2011².

2 Regulation 1 amended

(1) In Regulation 1(1) of the principal Regulations –

(a) after the definition “Commission Decision animal” there shall be inserted the following definition –

“ ‘Community instrument’ has the same meaning as is given to that expression by the European Communities (Jersey) Law 1973³”;

(b) for the definition “Community Regulation” there shall be substituted the following definition –

“ ‘Community Regulation’ means Regulation (EU) No. 576/2013⁴ 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;”;

(c) in the definition “compliant animal” for the words “and, if applicable the requirements of the Commission Decision” there shall be substituted the words “, the Implementing Regulation and, if applicable, of the Commission Decision”;

(d) after the definition “compliant animal” there shall be inserted the following definition –

“ ‘Implementing Regulation’ means Commission Implementing Regulation (EU) No. 577^s 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);”

- (e) the definition “pet animal” shall be omitted;
- (f) after the definition “non-compliant animal” there shall be added the following definition –

“ ‘prescribed’ means prescribed by Order of the Minister.”.

- (2) After Regulation 1(2) there shall be added the following –

“(3) The Minister may by Order amend any reference in these Regulations to any Community instrument.”.

3 Regulation 2 substituted

For Regulation 2 of the principal Regulations there shall be substituted the following –

“(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.”.

4 Regulation 3 amended

In Regulation 3 of the principal Regulations –

- (a) in paragraph (3) –
 - (i) after the words “The Minister may” there shall be inserted the words “, upon payment of the prescribed fee,”,

- (ii) for the words “section 2 of part B of Annex II to the Community Regulation,” there shall be substituted the words “Part 1 of Annex II to the Implementing Regulation,”;
- (b) in paragraph (5) –
 - (i) for sub-paragraph (b) there shall be substituted the following sub-paragraph –
 - “(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,”.

5 Regulation 4 amended

In Regulation 4 of the principal Regulations –

- (a) in paragraph (1), after the words “by a Community air carrier” in sub-paragraph (b)(i) there shall be inserted the words “or a Union carrier”;
- (b) for paragraph (3) there shall be substituted the following –
 - “(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.”.

6 Regulation 7A inserted

After Regulation 7 of the principal Regulations, there shall be inserted the following Regulation –

“7A Fees for approvals, certificates etc.

- (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.”.

7 Regulation 9 amended

In Regulation 9(1) of the principal Regulations, for the words “a veterinarian authorized under Article 5(1) of the Community Regulation” there shall be substituted the words “an authorized or official veterinarian”.

8 Regulation 9A inserted

After Regulation 9 of the principal Regulations, there shall be inserted the following Regulation –

“9A False representations etc.

- (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.”.

9 Other enactments amended

- (1) In the Schedule to the Veterinary Surgeons (Jersey) Law 1999⁶ –
 - (a) in paragraph 4(a), for the words “2 weeks” there shall be substituted the words “1 week”;
 - (b) in paragraph 6(2)(b) –
 - (i) for the word “list” there shall be substituted the word “register”,
 - (ii) for the word “College” there shall be substituted the words “Royal College of Veterinary Surgeons”;
 - (c) at the end of Part 1 there shall be added the following paragraph –

“10. (1) The implantation into an animal of a transponder, if that procedure is carried out –

 - (a) by a veterinary nurse acting under the direction of a recognized veterinary surgeon; or
 - (b) by a person approved in writing by the Veterinary Officer (as defined in paragraph 8) in accordance with that approval.

(2) In this paragraph –

‘transponder’ means a read-only passive radio frequency identification device;

‘veterinary nurse’ has the meaning given by paragraph 6(2)(b).”.
- (2) In the Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011⁷, in Articles 1(5) and 4(2), for the words “within the meaning of the Pet Travel Scheme (Jersey) Regulations 2011” in both places in which they occur, there shall be substituted the words “in relation to which the Pet Travel Scheme (Jersey) Regulations 2011 apply”.
- (3) In the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011⁸, in Article 1(1) in the definition “pet animal” for the words “within the meaning of the Pet Travel Scheme (Jersey) Regulations 2011” there shall be substituted the words “in relation to which the Pet Travel Scheme (Jersey) Regulations 2011 apply”.

10 Citation and commencement

These Regulations may be cited as the Pet Travel Scheme (Amendment) (Jersey) Regulations 2014 and shall come into force on 29th December 2014.

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¹ *chapter 17.245*

² *chapter 17.245.13*

³ *chapter 17.210*

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0001:0026:en:PDF>

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0109:0148:EN:PDF>

⁶ *chapter 02.900*

⁷ *chapter 02.400.23*

⁸ *chapter 02.400.70*