



Jersey

FOOT-AND-MOUTH DISEASE (JERSEY) ORDER 1958

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Arrangement

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THE ECONOMIC DEVELOPMENT COMMITTEE, in pursuance of Articles 3, 6, 10, 22 and 42 of the Diseases of Animals (Jersey) Law 1956,² orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“animals” means cattle, sheep, goats and all other ruminating animals and swine;

“approved disinfectant” has the meaning assigned to it in the Diseases of Animals (Approved Disinfectants) (Jersey) Order 1958;³

“disease” means foot-and-mouth disease;

“disinfect” means disinfect with an approved disinfectant;

“examine” includes the taking of specimens for laboratory examination;

“exhibition” includes a collective examination for the purposes of the Herd Book kept by the Royal Jersey Agricultural and Horticultural Society, Incorporated;

“Law” means the Diseases of Animals (Jersey) Law 1956;⁴

“poultry” includes domestic fowls, turkeys, geese, ducks, guinea-fowls and pigeons;

“premises” includes land.

2 Power to slaughter

- (1) The provisions of Article 8 of the Law shall apply to foot-and-mouth disease.

- (2) For the purposes of Article 8 of the Law in its application to foot-and-mouth disease, the definition of “animals” in Article 1 of the Law is extended to include animals and poultry of all descriptions.

3 Veterinary enquiry by the Minister

Where notice has been given under Article 4 of the Law that any animal is affected with disease or where there are reasonable grounds for suspecting that any animal is affected with disease, the Minister shall cause all the animals on the premises on which the diseased or suspected animal is to be found to be examined by the Veterinary Officer.

4 Declaration of an infected place

- (1) Where the examination under Article 3 shows that there is, or has been within 56 days, on any premises a diseased animal, the Minister shall declare those premises to be an infected place:

Provided that no such declaration may be made in respect of the premises of the States’ Slaughterhouse.

- (2) The Minister, as soon as may be after declaring any premises to be an infected place, shall cause to be served on the occupier of those premises a notice of such declaration.
- (3) The Minister may at any time vary a declaration under paragraph (1) and, in such a case, shall cause to be served on the occupier of the infected place a notice specifying the variation so made.
- (4) Where, under this Article, any premises have been declared to be an infected place, those premises shall forthwith upon such declaration become subject to the provisions of Article 5, and it shall be the duty of the occupier of the infected place to comply with such of the rules set out in Article 5(1) as apply to that place as well as such additional and modified rules as may be specified in a notice served under Article 5(2).
- (5) The Minister may cause notices to be affixed or exhibited on or about an infected place for ensuring notification that the premises have been declared to be an infected place.
- (6) The Minister, as soon as satisfied that any premises declared to be an infected place no longer constitute a danger of spreading the infection of disease, shall declare those premises no longer to be an infected place.
- (7) The Minister, as soon as may be after declaring any premises no longer to be an infected place, shall cause to be served on the occupier of those premises a notice of such declaration.

5 Rules applicable to an infected place

- (1) Subject as directed under paragraph (2), any premises declared to be an infected place under Article 4 shall, so long as those premises remain so declared, be subject to the following rules –

- (a) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no animal shall be moved into or out of the infected place;
 - (b) no horse, ass or mule shall be moved out of the infected place unless it has been disinfected to the satisfaction of an inspector;
 - (c) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no carcase shall be moved out of the infected place;
 - (d) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no live poultry or rabbit, nor the carcase of any poultry or rabbit shall be moved out of the infected place;
 - (e) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no fodder, litter, dung, utensil, pen, hurdle, vehicle or other thing shall be moved out of the infected place;
 - (f) all liquid manure, urine or shed washings shall be thoroughly disinfected to the satisfaction of an inspector before being allowed to drain or escape from any shed, yard or other like place in which a diseased or suspected animal is or has been kept;
 - (g) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no person other than the occupier of the infected place, the members of the occupier's household or an inspector shall enter or leave the infected place;
 - (h) any person whatsoever entering any shed, field or other place in the infected place in which a diseased or suspected animal is or has been kept shall wear boots which are capable of being disinfected and shall, before leaving such place, thoroughly cleanse and disinfect his or her clothing and boots and also his or her hands;
 - (i) a receptacle containing an approved disinfectant shall be kept in some convenient place at all exits from the infected place as may be required by the Veterinary Officer and fresh disinfectant shall be placed in such receptacles as often as may be required by the Veterinary Officer;
 - (j) milk from a diseased or suspected animal shall not be moved out of the infected place and, unless and until it has been boiled or otherwise sterilized, it shall not be used for the food of animals:
Provided that this sub-paragraph shall not apply to an animal suckling young;
 - (k) any utensil in which milk from a diseased or suspected animal has been placed before being boiled or otherwise sterilized shall be thoroughly sterilized with boiling water before any other milk is placed therein.
- (2) The Minister may cause to be served on the occupier of an infected place notice –
- (a) directing that such additional rules as may be specified in the notice shall apply to the infected place; or

- (b) directing that any of the rules set out in paragraph (1) shall cease to apply to the infected place it shall be modified to the extent or in the manner specified in the notice.

6 Removal of dung or other things

Except under and in accordance with a permit in writing granted by or on behalf of the Minister, no person shall send or carry, or cause to be sent or carried, on any highway, road or lane, any dung, fodder, litter or other thing that has been in an infected place, or that has been in any place in contact with or used about a diseased or suspected animal.

7 Cleansing and disinfection

- (1) Every shed or other place in which a diseased animal has been kept while so diseased or has died or been slaughtered, shall be cleansed and disinfected under the supervision of an inspector in the manner following –
 - (a) the whole of the interior of such shed or other place, including the fittings, shall first be thoroughly washed or sprayed with an approved disinfectant;
 - (b) all dung and other discharges shall then be scraped from the walls, fittings and floors, and the shed or other place shall then be swept out and the sweepings and all litter, dung or other thing that has been in contact with, or used about, any animal shall be effectually removed therefrom; and
 - (c) the floor of the shed or other place and all other parts thereof with which an animal or its droppings or any discharge may have come in contact shall again be thoroughly washed or sprayed with an approved disinfectant.
- (2) Notwithstanding the provisions of paragraph (1), the Minister may require the occupier of an infected place to demolish and destroy by burning, under the supervision of an inspector, any timber stalling or other timber in a shed or other place which has, or may have, been in contact with a diseased or suspected animal.
- (3) All litter, dung or other thing removed from the shed or other place shall forthwith on removal be thoroughly disinfected or burnt or otherwise effectually destroyed.
- (4) Any field or other like thing in which there has been a diseased or suspected animal shall be cleansed and disinfected in such manner as the Veterinary Officer may require.
- (5) Where the occupier of an infected place fails to carry out the cleansing and disinfection, or to take any other action, required under this Article, the Minister may, without prejudice to any proceedings in respect of such default, cause such cleansing and disinfection to be carried out or such other action to be taken, and, in such a case, may recover from the occupier, as a civil debt, the expenses incurred in so doing.

8 Prohibition on movement of animals exposed to infection and power to require isolation of animals

- (1) Where there is reason to suspect that there is on any premises an animal which has been exposed to the infection of disease, the Minister may cause to be served on the occupier of those premises a notice –
 - (a) prohibiting the movement of that animal out of those premises;
 - (b) prohibiting the movement into or out of those premises of any other animal;
 - (c) requiring the suspected animal, or any other animal on those premises, to be isolated from all other animals on those premises in such field, shed, stable, sty or other place forming part of those premises as may be specified in the notice,and it shall be the duty of the occupier of those premises to comply with the terms of the notice.
- (2) A notice under this Article shall remain in force until withdrawn by or on behalf of the Minister.
- (3) The Minister may cause any animal on premises in respect of which a notice under paragraph (1) has been served to be examined by the Veterinary Officer for the purpose of determining whether or not that animal is diseased.

9 Power to require housing or removal of animals

- (1) The Minister, for the purpose of preventing the spreading of disease, may cause to be served on the occupier of any premises where animals are kept a notice requiring the removal of the animals –
 - (a) from pasture to enclosed yards, sheds, stables, sties or other place forming part of those premises; or
 - (b) from pastures in which the animals are at the time when the notice is delivered to other pastures in the same occupation.
- (2) Where animals are moved in pursuance of a notice under paragraph (1), the occupier of the premises shall keep those animals in the place specified in the notice until the notice has been withdrawn by the Minister.

10 Prohibition on exposure and movement of diseased or suspected animals and animals which have been exposed to infection

- (1) Save as authorized or directed under any other provision of this Order, no person shall –
 - (a) expose a diseased or suspected animal, or an animal which has been exposed to the infection of disease, in a market, sale-yard, place of exhibition or other public or private place where animals are commonly exposed for sale or exhibition;
 - (b) place a diseased or suspected animal, or an animal which has been exposed to the infection of disease, in any place adjacent to or

connected with a market, sale-yard or other place where animals are commonly placed before or after exposure for sale or exhibition;

- (c) send, carry, lead or drive, or cause to be sent, carried, led or driven, a diseased or suspected animal, or an animal which has been exposed to the infection of disease, on any highway, road or lane;
 - (d) place or keep a diseased or suspected animal, or an animal which has been exposed to the infection of disease, on common or unenclosed land, or in a field or place insufficiently fenced, or in a field adjoining any highway, road or lane, unless that field is so fenced or situate that animals therein cannot in any manner come in contact with any animal on that highway, road or lane;
 - (e) allow a diseased or suspected animal, or an animal which has been exposed to the infection of disease, to be, or to stray on, any highway, road or lane, or on the sides thereof, or to stray on any common or unenclosed land, or in any field or place insufficiently fenced.
- (2) Where a diseased or suspected animal, or an animal which has been exposed to the infection of disease, is exposed, sent, carried, led, driven, kept or otherwise dealt with in contravention of this Article, the Minister may cause that animal to be seized, removed to and detained in such place of detention as the Minister may appoint.
 - (3) Where a diseased or suspected animal, or an animal which has been exposed to the infection of disease, is found in or on any of the places specified in paragraph (1), the Minister may declare the place where that animal was found to be an infected place and, in such a case, the provisions of Articles 4 and 5 shall apply to that place.
 - (4) Where an animal is seized in virtue of paragraph (2), the Minister may recover from the owner, as a civil debt, the expenses incurred in the seizure, removal and detention of that animal.

11 Declaration of an infected area

- (1) In any case, where, under Article 4 or 10, the Minister has declared any premises to be an infected place, the Minister may declare the whole Island, or any part thereof, to be an infected area.
- (2) If, and for so long as, any area has been declared an infected area under paragraph (1), that area shall be subject to the provisions of Articles 12, 13 and 14.
- (3) A declaration under paragraph (1) shall be of no effect until notice of the fact that it has been made and of the purport thereof has been published in a newspaper circulating in Jersey.

12 Restrictions applicable to an infected area

- (1) No animal shall be moved, or allowed to stray, along, over or across any highway, road or lane in an infected area:

Provided that this prohibition shall not apply –

- (a) to the transport of animals to the States' Slaughterhouse for slaughter under and in accordance with a permit in writing granted by or on behalf of the Minister; and
 - (b) to the movement of animals in such circumstances as may be specially authorized by or on behalf of the Minister.
- (2) A dog in an infected area shall be kept tied up or on a leash unless it is –
 - (a) on enclosed premises or otherwise confined; or
 - (b) on a beach or a part of a beach designated by an Order made under the Law as an area where a person is permitted to exercise an unleashed dog.⁵
- (3) Any dog which is not kept under control as prescribed by paragraph (2) may be seized and treated as a dog seized under Article 7 of the Dogs (Jersey) Law 1961⁶ or, at the discretion of the Minister, may be slaughtered.
- (4) No person shall enter on any premises in an infected area for the purpose of –
 - (a) testing cattle in connection with milk and butter-fat recording;
 - (b) marking calves for the purposes of identification;
 - (c) clipping or dipping sheep; or
 - (d) castrating swine.
- (5) Hunting, the holding of point-to-point meetings and the racing or coursing, or the training for racing or coursing, of any hounds or dogs in an infected area is prohibited.
- (6) Except under and in accordance with a permit in writing granted by or on behalf of the Minister, no person shall –
 - (a) hold or permit to be held any exhibition, show or collective sale of animals in an infected area;
 - (b) hold or permit to be held any exhibition, show or demonstration of agricultural or horticultural produce on any farm premises in an infected area;
 - (c) hold or permit to be held any demonstration or exhibition of agricultural or horticultural equipment or machinery on any farm premises in an infected area; or
 - (d) hold or permit to be held any sale of farm effects on any farm premises in an infected area.
- (7) For the purposes of this Article, any premises which are situate partly within an infected area and partly outside that area shall be deemed to be wholly within the infected area.

13 Power to close footpaths and premises in an infected area

- (1) The Minister, notwithstanding the existence of any footpath or right of way, may prohibit the entry of any person into any field, shed or other

place in an infected area by giving notice in writing to that effect to the occupier of that field, shed or other place.

- (2) The owner of any animals in a field, shed or other place in respect of which a prohibition under paragraph (1) has been imposed, or the owner's agents or servants, may enter that field, shed or other place, for the sole purpose of feeding or tending those animals but, except under and in accordance with a permit in writing granted by or on behalf of the Minister, shall not enter that field, shed or other place for any other purpose.
- (3) The Minister may cause notices to be affixed or exhibited in such manner as he or she thinks fit, for ensuring notification of any prohibition imposed under this Article.

14 Change of occupation of premises in an infected area

- (1) Where on the termination of the owner's right of occupation of any premises in an infected area, the owner of any animals on those premises is unable to remove them therefrom by reason of any restriction of movement imposed by or under this Order, the person entitled to the occupation of those premises on such termination –
 - (a) shall afford the owner of those animals, and any person authorized by him or her, all such facilities for feeding, tending or otherwise using those animals, or for the sale of those animals, as the owner thereof may reasonably require; or
 - (b) where the owner of those animals is unable or unwilling to avail himself or herself of such facilities, shall take all such steps as are reasonably necessary for the proper feeding or tending of, or otherwise using, those animals.
- (2) The provisions of this Article shall continue to apply so long as the restriction on movement prevents the removal of those animals and for the 2 days next following the day on which those restrictions are removed.
- (3) The owner of the animals shall be liable to pay to the person who affords the facilities or renders the services to which this Article relates such sum by way of remuneration or reimbursement of expenses as may be mutually agreed between them.
- (4) Where the parties are unable to agree the sum to be paid under paragraph (3), the sum to be so paid shall be determined by an arbitrator agreed upon between the parties or, in default of such agreement, nominated by the Minister on the application in writing of either of the parties.

15 Citation

This Order may be cited as the Foot-and-Mouth Disease (Jersey) Order 1958.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Foot-and-Mouth Disease (Jersey) Order 1958	R&O.3959	1 December 1958
Foot-and-Mouth Disease (Amendment) (Jersey) Order 2001	R&O.75/2001	12 April 2001
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005

Table of Endnote References

¹	<i>This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government</i>
²	<i>chapter 02.400</i>
³	<i>chapter 02.400.14</i>
⁴	<i>chapter 02.400</i>
⁵ Article 12(2)	<i>substituted by R&O.75/2001</i>
⁶	<i>chapter 02.550</i>