

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE**

REVIEW OF ANIMAL WELFARE LEGISLATION: 2024 UPDATE

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Review of Animal Welfare Legislation: 2024 Update' dated 20<sup>th</sup> May 2024, they are of the opinion:

1. To agree to further regulate veterinary practice by:
  - (a) Requiring veterinary nurses in Guernsey to be registered;
  - (b) Requiring veterinary practice premises in Guernsey to be registered;
  - (c) Requiring visiting or peripatetic veterinarians not associated with an established veterinary practice to notify the Committee in advance of each visit; and
  - (d) Providing for Guernsey's Register of Veterinary Surgeons to indicate those veterinarians who have an Official Controls Qualification (Veterinary) authorising them to undertake specified roles on behalf of the States.
2. To agree to explicitly prohibit the following under an Ordinance made under the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008:
  - (a) The farming of animals for fur, feathers/down or hides/skin as a primary product rather than a slaughter by-product, excluding farming for wool of sheep, llamas or alpacas;
  - (b) The production of foie gras by force-feeding;
  - (c) The use of wild animals in circuses as set out in paragraph 4.26 of the Policy Letter;
  - (d) The use, permitting of use, sale or possession of any of the following for the capture, control, slaughter, killing or taking of animals:
    - (i) leg-hold/gin traps;
    - (ii) snares;
    - (iii) neck-crushing slaughtering instruments;
    - (iv) handheld pithing slaughtering instruments; and
    - (v) spring-powered or elastic-powered stunning instruments;
  - (e) The use of artificial lighting or illuminating devices for the capture, control, slaughter, killing or taking of animals, except as provided for in paragraph 4.44 of the Policy Letter; and

- (f) The use of glue traps except as provided for in paragraph 4.45 of the Policy Letter.
- 3. To agree to create appropriate offences and powers for the enforcement of the prohibitions, duties and requirements in Propositions 1 and 2 above;
- 4. To agree to authorise subordinate legislation to be made in the form of regulations to:
  - (a) prescribe exceptions, exemptions or defences in relation to any prohibition, duty or requirement in Propositions 1 and 2 above; and
  - (b) explicitly prohibit:
    - (i) the export or import of live animals of any specified kind or description, or for purposes or in circumstances prescribed;
    - (ii) the use, sale or possession of any specified device or method for the capture, control, slaughter, killing or taking of animals; and
    - (iii) any other specified activity involving or in connection with animals;
- 5. To authorise powers of entry and inspection and related powers under the Animal Welfare (Guernsey) Ordinance, 2012 to be exercised in relation to non-dwelling premises at any reasonable time without the need for 24 hours' prior notice in writing in non-emergency situations;
- 6. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.
- 7. To note and endorse the Committee's general policy intent to keep animal health and welfare developments in the UK under regular review, implement the same in Guernsey where appropriate whilst taking account of local needs and circumstances, and return to the States if necessary with further legislative recommendations.

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REVIEW OF ANIMAL WELFARE LEGISLATION: 2024 UPDATE

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

20<sup>th</sup> May 2024

Dear Sir

**1. Executive Summary**

- 1.1 This Policy Letter seeks to update the States of Deliberation on various matters relating to animal welfare and to obtain their approval for legislative modernisations in consequence. Some of these modernisations are intended to update extant animal welfare Resolutions of 2003 and 2011.
- 1.2 All of the proposed modernisations follow the overarching intentions on which the 2003 and 2011 Resolutions were based, in particular ‘to introduce comprehensive animal welfare legislation that mirrors standards that are in force in the United Kingdom and other parts of the world and in some cases [...] to improve on those standards.’ The Committee *for the* Environment & Infrastructure (“the Committee”) is committed to fulfilling this direction as appropriate within today’s context, and into the future. This Policy Letter further invites the States of Deliberation to note the Committee’s ongoing policy intent in this regard.
- 1.3 While the extant animal welfare Resolutions have been substantially completed by an enabling provisions law and a subsequent welfare ordinance, there have been significant changes both domestically and internationally since those Policy Letters were considered and Resolutions agreed. There have also been changes in professions and practices that we need to respond to as a responsible government in a way that is proportionate to Guernsey.

- 1.4 International animal welfare standards are continually evolving to reflect scientific studies on animal sentience and public concern about animal welfare. Some legislative modernisations have included prohibitions on certain activities considered to be cruel or inhumane.
- 1.5 The Committee has responsibility for advising the States and developing and implementing policies on 'agriculture, animal health and welfare and sustainability of food and farming' and 'protection of the natural environment'.
- 1.6 In conjunction with the States Veterinary Officers, the Committee has reviewed the drafting previously directed alongside today's global and local context to arrive at recommended modernisations where necessary.
- 1.7 This Policy Letter sets out the Committee's proposals for amendments that require further approval by the States of Deliberation. These recommendations remain true to the original Resolutions' intent while aligning with the international and local context of 2024.
- 1.8 The Committee believes that the legislative updates proposed in this Policy Letter will bring the aims of the 2003 and 2011 Resolutions to fruition in a manner that aligns with post-Brexit necessities, international animal welfare standards, conventions obligations, animal sentience science and public concerns. Having animal welfare legislation in place that satisfies these aspects will reflect positively on Guernsey's reputation as viewed by other governments, trade partners, visitors and islanders themselves.

## **2. Background**

- 2.1 The 'Review of Animal Welfare Legislation' Resolutions<sup>1</sup> of 28<sup>th</sup> February 2003 took forward proposals set out in the 14<sup>th</sup> January 2003 Policy Letter from the former States Agriculture and Countryside Board in Billet d'État III of 2003, Article VI<sup>2</sup>.
- 2.2 The resultant Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008 ("2008 Law") provided for the States to make detailed provisions for the welfare of animals by Ordinance. Amendments and additions to the original proposals were agreed by the States of Deliberation in 2011 (Article XIV of Billet d'État No. XIX of 2011<sup>3</sup>) to reflect further changes, both local and international, in the animal welfare field. The Animal Welfare (Guernsey) Ordinance, 2012<sup>4</sup> ("2012 Ordinance") substantially discharged the Resolutions, including by way of consequential amendments to the Veterinary Surgery and Animal Welfare

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<sup>1</sup> <https://www.gov.gg/CHttpHandler.ashx?id=74395&p=0>

<sup>2</sup> [Billet XIII 2001 \(gov.gg\)](#)

<sup>3</sup> <https://www.gov.gg/CHttpHandler.ashx?id=3955&p=0>

<sup>4</sup> [Animal Welfare \(Guernsey\) Ordinance, 2012 \(Consolidated text\) \(guernseylegalresources.gg\)](#)

Ordinance, 1987 (“the 1987 Ordinance”), but did not fully execute the Resolutions approved, in particular with regard to regulation of veterinary professionals.

- 2.3 The 2012 Ordinance provided for the Committee to make Regulations and Orders about various further matters, including designations as to species classified as ‘pest’ animals and ‘game’ animals and methods by which certain animals could be captured or killed, as part of the exceptions to the main animal suffering and wild animal offences in sections 1 and 7 of the Ordinance. A suite of Statutory Instruments came into force at the same time as most of the 2012 Ordinance in July 2014. These included the Animal Welfare (Requirements for Slaughter, Killing, Euthanasia Etc) Order, 2014<sup>5</sup>, the Animal Welfare (Designation and Control of Pest Animals) Order, 2014<sup>6</sup> and the Animal Welfare (Slaughter, Killing Etc) (Prescribed Animals) Regulations, 2014<sup>7</sup>.

### **3. Strategic overview**

#### **Government Work Plan**

- 3.1 The Government Work Plan includes completion of the Review of Animal Welfare Legislation. This workstream contributes to the plan’s priorities within the Strategic Portfolio titled Housing, Infrastructure and the Economy, in which ‘meeting international standards (including WTO rules and existing Free Trade Agreement commitments)’ are described as ‘critical to maintain our economic competitiveness and to promote growth’. It also ‘contributes to a proportionate and pragmatic legislative programme’ within the Strategic Portfolio titled Public Service Resilience, Security & Governance.
- 3.2 While the necessary reforms to animal welfare legislation were substantially completed by the 2008 Law and 2012 Ordinance, there have been significant changes domestically and internationally since the earlier Policy Letters were considered and Resolutions made.
- 3.3 Domestically, there have been changes in professions and practices that we need to respond to as a responsible government. For instance, in addition to having resident veterinary surgeons, there are now visiting specialists and peripatetic veterinarians who provide care for Guernsey’s animal populations. Updating provisions to reflect these changes helps ensure we provide public services – including regulation and enforcement – tailored to local circumstances.

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<sup>5</sup> [Animal Welfare \(Requirements for Slaughter, Killing, Euthanasia Etc.\) Order, 2014 \(guernseylegalresources.gg\)](http://guernseylegalresources.gg)

<sup>6</sup> [Animal Welfare \(Designation and Control of Pest Animals\) Order, 2014 \(guernseylegalresources.gg\)](http://guernseylegalresources.gg)

<sup>7</sup> [Animal Welfare \(Slaughter, Killing, Euthanasia Etc.\) \(Prescribed Animals\) Regulations, 2014 \(guernseylegalresources.gg\)](http://guernseylegalresources.gg)

- 3.4 Internationally and post-Brexit, Guernsey and the wider Bailiwick are seeking to participate in new Free Trade Agreements, which often include commitments to enforcing and enhancing animal welfare protections. There is, in addition, the opportunity to participate in multilateral agreements that may include animal welfare aspects.
- 3.5 Compliance with current international obligations and the ability to demonstrate compliance with future ones is critical in terms of ensuring Guernsey's credibility as a jurisdiction that takes its international obligations seriously, and continuing to access international opportunities that enhance Guernsey's economic competitiveness and promote growth.

### **Protecting nature**

- 3.6 Guernsey's animal welfare law applies to wild as well as domesticated species. Surveys have shown that some of Guernsey's wild fauna are at risk, in particular the endemic Guernsey Vole and certain birds and bats.
- 3.7 The Convention on the Conservation of Migratory Species of Wild Animals ("the Bonn Convention") was extended by the UK to Guernsey in 1985. Some of the 'family' of Agreements linked to the Bonn Convention also apply locally. For instance, the Agreement on the Conservation of African-Eurasian Migratory Waterbirds ("AEWA") and the Agreement on the Conservation of Populations of European Bats ("EUROBATS"), both of which were extended to Guernsey in 1999. Article 2(3) of the Bonn Convention states that the parties 'shall endeavour to provide immediate protection for migratory species'.
- 3.8 The AEWA requires parties to 'prohibit the use of all indiscriminate means of taking' certain migratory bird species and provides a list of those indiscriminate devices and techniques. Several of AEWA's listed species are relevant to Guernsey in that they migrate through, breed, overwinter or are resident here, including Puffins, Guillemots, Little Egrets and Lapwings. Among the indiscriminate devices and techniques listed in the agreement are snares, traps, limes (a type of glue trap in which a sticky substance is placed on twigs to entrap birds), artificial light sources and devices for illuminating targets.
- 3.9 EUROBATS states that parties 'take action as it considers necessary to safeguard populations of bats which it identifies as being subject to threat'. It identifies nine bat species found locally as 'sensitive' due to factors such as human disturbance and threats to habitat.
- 3.10 The explicit restrictions on indiscriminate trapping devices and methods proposed in sections 4.42 to 4.45 of this Policy Letter will help to protect animals from harm. They will also contribute to Guernsey's compliance with the requirements of the

Bonn Convention and its associated Agreements that already apply locally and hence where we have existing international obligations with which to comply.

- 3.11 The proposals also support Guernsey's 2020 Strategy for Nature. Its purpose, which aligns with the UN Sustainable Development Goals, is 'to ensure that Guernsey's nature is healthy and resilient to threats, and understood and valued in its own right for its essential contribution to our sustainable economy, community and health and care'. The proposals support the Strategy for Nature's Objective 5, to 'maximise the diversity of species and ecosystems' and Objective 6, to 'reduce pressures on nature and ensure the resilience of our natural capital and assets'.

#### **Animal sentience science and public concern**

- 3.12 As scientific studies have formally evidenced animal sentience, defined as 'the capacity to experience negative and positive feelings such as pain, distress, pleasure and joy,' the recognition of animals as sentient beings has become an overarching concept of some jurisdictions' legislation and has driven modernisations. The UK's Animal Welfare (Sentience) Act 2022 (c.22) continues to recognise that animals are sentient beings in place of a.13 of the Treaty on the Functioning of the EU, which applied pre-Brexit.
- 3.13 Public concerns about animal welfare have also influenced legislative modernisations in various jurisdictions. In fact, it was public petitions for stronger animal welfare laws that prompted Guernsey's animal welfare Resolutions in 2003 and 2011. While public opinion on animal welfare in Guernsey has not been gathered since then, UK polls consistently find that animal welfare ranks high as a policy concern. The Animal Kindness Index 2023, a UK-wide investigation into people's attitudes toward animals conducted by the RSPCA and other groups, found that nine out of ten respondents said that animal welfare is an important issue to address and 83% felt that animal welfare should be protected by government legislation.
- 3.14 The growing trend toward legal recognition of animal sentience, as well as demonstrable public empathy toward animals and nature in general, is likely to prompt and perhaps accelerate the pace of further animal welfare legislation across jurisdictions.

#### **4. Proposed modernisations**

##### **(a) Welfare of animals in transport (as per the extant Resolutions)**

- 4.1 The States' Resolutions of 1<sup>st</sup> December, 2011 called for integration of provisions in Council Regulation (EC) No 1/2005 ("CR 1/2005") on the protection of animals

during transport into domestic law. It governs conditions under which vertebrate animals may be transported, including that they be certified healthy enough to travel, and sets out welfare requirements that include acceptable temperatures and stocking density.

- 4.2 CR 1/2005 is considered preserved EU Law in the Bailiwick; however, its implementation in the Bailiwick will be reviewed and, if necessary enhanced, to ensure it continues to operate effectively in a post-Brexit context.
- 4.3 Having re-examined the content of the 2003 and 2011 Resolutions in regard to transport in today's context, the Committee is satisfied with the direction they provide.
- 4.4 However, the Animal Welfare (Livestock Exports) Act 2024 received Royal Assent in May 2024. It was developed in response to concerns that animals including cattle, horses, sheep, goats and pigs being exported from Great Britain to anywhere outside the British Islands for fattening or slaughter were suffering stress, exhaustion, thirst and rough handling. The Act makes it an offence to send, transport, or arrange to transport (or attempt to send, transport, or arrange to transport) these species from Great Britain to anywhere outside the British Islands for fattening or slaughter. Export for various other purposes including breeding, production and competition would still be allowed.
- 4.5 The Committee's view is that it would be desirable to replicate the Act's provisions in domestic law to bolster the Bailiwick's animal welfare protections. Therefore, it is proposed that the Committee make subordinate legislation in the form of regulations to prohibit the export or import of live animals it prescribes, for purposes or circumstances it prescribes, to keep pace with UK practice or international obligations related to animal welfare. These regulations would prescribe as relevant and necessary any exceptions and exemptions from those prohibitions.

**(b) Veterinary regulations (as per the extant Resolutions)**

- 4.6 The 2003 Resolutions encompassed updates to the 1987 Ordinance. Among other things, the 1987 Ordinance sets out requirements in relation to carrying out veterinary procedures, states that veterinarians who practise locally must have Royal College of Veterinary Surgeons ("RCVS") qualifications and establishes a local Register of Veterinary Surgeons on which they are required to register, to align with RCVS registration.
- 4.7 While the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008 provides scope for modernisations, the updates agreed in the 2003 Resolutions in relation to veterinary regulations were not included in the 2012 Ordinance.



- 4.8 The Committee has re-examined the current context in terms of veterinary provision and RCVS registers to establish what might be recommended to discharge the Resolutions at this point. Fresh amendments are recommended because both local veterinary provision and RCVS requirements have evolved in the years since the 2003 Resolutions and the 2008 Law.
- 4.9 Veterinary provision on-island today includes established veterinary practices staffed by veterinarians, veterinary nurses and other professionals. While the 2003 Resolutions called for continuation of the local Register of Veterinary Surgeons in order to align with the RCVS register, the RCVS has since added a Register of Veterinary Nurses.
- 4.10 The RCVS also now has a Register of Veterinary Practice Premises; however, it does not encompass veterinary practices located in Guernsey.
- 4.11 The Committee proposes adding a local Register of Veterinary Nurses to be published on the States' website along with the local Register of Veterinary Surgeons. It also recommends adding a local Register of Veterinary Practice Premises. Veterinary nurses and practice premises will be required to be registered.
- 4.12 Some local veterinarians have undertaken training to achieve the UK's Official Controls Qualification (Veterinary) ("OCQ(V)") and are thus authorised by the Committee to do work on behalf of the States, such as producing Animal Health Certificates for animal movements (including pet travel). The Committee proposes including a notation to mark veterinary surgeons' OCQ(V) status on the published local Register of Veterinary Surgeons.
- 4.13 In some cases, established practices now bring in veterinarians who are ordinarily based elsewhere, such as specialists or locums, to practise on-island temporarily. Additionally, there are peripatetic veterinarians who are not associated with an established veterinary practice who visit the island to practise occasionally and for a limited time. Visiting and peripatetic veterinarians can provide specialist treatments and services that would not be profitable and feasible to offer full-time in Guernsey due to economies of scale.
- 4.14 The 1987 Ordinance already requires all veterinary surgeons who practise on-island, whether they are based locally or visit, to possess RCVS qualifications and be listed on the local register. The Committee proposes that visiting or peripatetic veterinarians who are not associated with an established practice also be required to notify the Committee in advance of each visit.

- 4.15 Any fees would be prescribed by Regulations made by the Committee, but at this stage the Committee proposes that there be no fees for inclusion on local registers for veterinary surgeons, veterinary nurses or practice premises.

**(c) Amendments to the 2012 Ordinance**

- 4.16 In reviewing Schedule 2 (Activities Requiring a Licence) of the 2012 Ordinance, the Committee has found that two categories of currently licensable activities are out of step with animal welfare modernisations in other jurisdictions. The licensing provisions are not yet in force for either of these activities and the proposed amendments will not affect any current licences.

*Fur/hide/feather farms*

- 4.17 The 2012 Ordinance provides for licensing of ‘the keeping of animals on any premises, in the course of a business, for the production of fur, hides or feathers’.
- 4.18 It is sometimes the case that the fur, feathers or down, or hides or skin of animals farmed for the purposes of food production are subsequently sold as slaughterhouse by-products. The fur/hide/feather farms category in the 2012 Ordinance refers not to this but to farms that exist solely for the production of fur, hides or feathers.
- 4.19 The UK’s Fur Farming (Prohibition) Act 2000 ([legislation.gov.uk](https://www.legislation.gov.uk/ukpga/2000/33/contents))<sup>8</sup> has been in force for 21 years and fur farming is also banned either completely or partially in 20 EU Member States. It is also recognised that the farming of birds (usually geese or ducks) for their feathers is an industry riven with cruel practices, with more than 20 countries instituting prohibitions.
- 4.20 While products made from hides or skins are often slaughterhouse by-products rather than derived from animals who have been farmed for their hides, a notable exception garnering public attention is production of donkey skins for a gelatine used in traditional Chinese medicine. The international donkey skin trade is rife with animal welfare concerns including inhumane slaughter. It has also resulted in mass thefts of domesticated donkeys in Africa, Asia and Latin America. In February 2024, the African Union ratified a motion proposing a 15-year ban on the donkey skin trade and other countries are examining prohibitions.
- 4.21 There are no fur/hide/feather farms in existence in Guernsey. Also, potential general offences under the main animal suffering offence and breach of the duty of care to kept animals may apply in specific circumstances. Current allowed exceptions to the main animal suffering offence also only allow for slaughter by

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<sup>8</sup> <https://www.legislation.gov.uk/ukpga/2000/33/contents>

humane methods. However, it is considered that in order to follow best practice in other jurisdictions and, in the case of hide or skin production to align with international concerns, the Committee proposes the complete and explicit prohibition (rather than licensing) of farming in which the production of fur, hides or skins, or feathers or down is the primary activity. This would have the advantage of providing for a clear specific offence on breach of the prohibition.

- 4.22 It should be noted that this is not intended to include farming for the production of wool (sheep, llamas or alpacas), so this would remain lawful.
- 4.23 The Committee also proposes that further exceptions to the prohibition can be added by Statutory Instrument for this prohibition and others recommended in this Policy Letter to allow for exceptions for any new businesses or activities arising which do not give rise to animal welfare concerns.

#### *Wild animals in circuses*

- 4.24 The 2012 Ordinance provides for licensing of ‘the keeping or use of any animal, in the course of a business, wholly or mainly for the purpose of performing tricks or manoeuvres for reward for the entertainment of the public at a circus, public display or in any other way’ and for ‘the training or conditioning of an animal, in the course of a business, to perform an act or to display part of its natural behaviour for the purpose of such act or behaviour being displayed, or recorded and sold, to the public in any way including by being exhibited at a circus or other public display’. These licensing requirements are not yet in force, so the following change will not affect any existing licences.
- 4.25 The Wild Animals in Circuses Act 2019<sup>9</sup> expressly forbids circus operators from using wild animals in a travelling circus in England. A similar ban is in effect in Ireland, and Wales banned wild animals in travelling circuses<sup>10</sup> in July 2020.
- 4.26 The 2012 Ordinance defines wild animals as ‘any animal, including a feral animal, which is or was, before it was killed or taken, living in a wild state.’ The Committee recommends that the use of wild animals in circuses be completely prohibited. It also recommends that the definition of ‘wild animal’ for purposes of this prohibition include: ‘any animal, including a feral animal, which is or was, before it was taken, living in a wild state; an animal of a kind which is not commonly domesticated in Great Britain; hybrid animals of two wild species or one wild and one domesticated species; or any other animal prescribed as a wild animal by the Committee’.

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<sup>9</sup> <https://www.legislation.gov.uk/ukpga/2019/24/contents/enacted>

<sup>10</sup> [Wild Animals and Circuses \(Wales\) Act 2020 \(senedd.wales\)](#)

### *Future-proofing*

- 4.27 As animal welfare science is likely to progress, and based on the historical evolution of what is considered acceptable in animal welfare terms, it is expected that further activities may require prohibition. In order that it may quickly and effectively address such developments, the Committee seeks permission from the States of Deliberation to provide for such further prohibitions of activities by Statutory Instrument.

### *Animal welfare enforcement powers*

- 4.28 The provisions in the 2012 Ordinance for the enforcement of animal welfare legislation allow for entry to premises at all reasonable times, but only to non-dwellings on 24 hours' notice being given, except in the case of an emergency. This is similar to powers under Environmental Pollution Ordinances but such notice is not required for non-dwellings in food hygiene entry and inspection powers under sections 41 to 43 of the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016.
- 4.29 The Committee proposes that the notice requirement is removed from the Animal Welfare Ordinance to provide for Authorised Persons (such as the States Veterinary Officers and other persons authorised by the Committee such as Office of Environmental Health and Pollution Regulation officers) or a police officer to be able to enter non-dwelling premises at any reasonable time without the giving of 24 hours' notice to enforce animal welfare legislation. This would align their enforcement powers with the Food and Feed Ordinance, ensure a more consistent approach to sanitary and phyto-sanitary ("SPS") controls, and allow reasonable access in circumstances where further impediment could allow animal welfare issues to be prolonged.

### **(d) Other modernisations**

#### *Devices used in the capture, control, killing or taking of animals*

- 4.30 The 2003 policy established that 'controls on the methods, techniques, devices or equipment used to take or kill wild animals should be strengthened' and required that 'the use of any method, technique, device or equipment to kill or take animals shall be prohibited with the exception of methods, techniques, devices or equipment that are approved by the Board' (now the Committee). Because some animals are classed in existing legislation as 'pest' animals (such as rats) or 'game' animals (such as pheasants), the exemptions differ depending on the classification of a particular species.

- 4.31 The Committee has reviewed Guernsey’s legislation on methods, techniques, devices and equipment used to take or kill animals in consideration of animal welfare, obligations under the Bonn Convention and legislation in other jurisdictions.

Trapping devices and methods:

- 4.32 A number of jurisdictions, including England, Wales, Scotland and the EU have prohibited the use of certain devices used for killing and control of animals, in particular steel jaw leg-hold traps (also known as gin traps), snares and glue traps<sup>11</sup>.
- 4.33 The rationale for doing so is the extreme suffering caused by such methods. Leg-hold traps and snares inherently cause pain and sometimes suffocation to animals in their grip. Caught animals suffer further pain and distress the longer they are confined by these devices, as well as glue traps, and it is not uncommon for them to tear flesh, break limbs or wings, and even chew off their own legs in their efforts to escape.
- 4.34 Another feature of these devices is that their design makes them indiscriminate in terms of the species they capture. Leg-hold traps and snares can entwine companion animals such as dogs and cats as well as their intended targets. A glue trap that is set with the intention of catching mice can also entrap voles, hedgehogs, songbirds or owls<sup>12</sup>.
- 4.35 The UK banned leg-hold traps with the Pests Act 1954<sup>13</sup>. They are prohibited within the EU and many other countries including Bolivia, Brazil, Burkina Faso, Chile, China, Ecuador, Guatemala and Mexico.
- 4.36 Wales prohibited the use of snares with the 2023 Agriculture (Wales) Act<sup>14</sup>. In March 2024, the Scottish Parliament approved restrictions on use of snares with the Wildlife Management and Muirburn Bill<sup>15</sup>. Snares are prohibited across most of the EU and in 13 US states, Singapore, Mauritius and Haiti. The use of snares for killing animals is prohibited in Sark.
- 4.37 The 2023 Agriculture (Wales) Act also prohibits the use of ‘any glue trap which is of such a nature and so placed as to be likely to catch any animal coming into contact with it,’ with ‘animal’ defined as a ‘vertebrate animal’. Similarly, Scotland’s Wildlife Management and Muirburn Bill makes it an offence to supply, buy,

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<sup>11</sup> <https://www.gov.wales/historic-wales-agriculture-act-comes-force>

<sup>12</sup> [Horror as owl found dying a lingering death stuck in a glue trap - Bristol Live \(bristolpost.co.uk\)](https://bristolpost.co.uk/news/bristol/horror-as-owl-found-dying-a-lingering-death-stuck-in-a-glue-trap/)

<sup>13</sup> [Pests Act 1954 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1954/1)

<sup>14</sup> [Agriculture \(Wales\) Act 2023 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2023/1)

<sup>15</sup> [Bill as passed \(parliament.scot\)](https://parliament.scot/bills/bills-2024)

possess or use a glue trap to catch an animal other than an invertebrate. Various types of glue traps exist, including those typically used to capture mice, 'limes' described in the aforementioned AEWA that place sticky substances on branches to catch birds, and fly paper traps designed to catch insects but which are also hazardous to bats and birds if placed outdoors. In England, the Glue Traps (Offences) Act 2022<sup>16</sup> bans the use of glue traps except in certain prescribed circumstances and under licence.

- 4.38 The use of artificial lights in night-time hunting, sometimes called 'lamping' or 'spotlighting,' is partially restricted according to exact method, location or target species by legislation in some jurisdictions, including the UK, Ireland, the United States, New Zealand and Australia. With this method, targeted animals such as rabbits or birds are located and then dazzled by bright lights, which usually causes them to 'freeze' prior to being killed.
- 4.39 The AEWA requires parties to prohibit the use of all of the above indiscriminate devices and methods.
- 4.40 Use of leg-hold traps, snares or glue traps would already potentially result in an offence under the main animal welfare and wild animal offences in the 2012 Ordinance. Only certain exceptions are allowed from these offences under the Ordinance for slaughter of certain animals and subject to certain conditions as to the methods, including traps used. None of the current exemptions allow the traps etc. of concern to be used in the Animal Welfare (Requirements for Slaughter, Killing, Euthanasia Etc.) Order, 2014.
- 4.41 While local legislation is currently non-specific as to the use of 'lamping' per se, legislative restrictions that impact 'lamping' in some circumstances are in place. For example, shooting on public land during darkness (between 30 minutes after sunset and 30 minutes prior to sunrise) is prohibited under The Firearms (Guernsey) Law, 1998<sup>17</sup>.
- 4.42 In order to align with legislative prohibitions elsewhere and meet Guernsey's obligations under the Bonn Convention, the Committee believes that a stronger legislative stance is necessary, providing for a specific ban on certain devices and methods being used. Specific prohibitions would avoid any question or doubt as to whether the elements of a main animal welfare offence are met and whether any potential exceptions apply.
- 4.43 The Committee, therefore, proposes explicit and complete prohibitions that would make it an offence for any person to use, sell, possess or permit the use of

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<sup>16</sup> [Glue Traps \(Offences\) Act 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>17</sup> [Firearms.pdf \(guernseylegalresources.gg\)](https://www.guernseylegalresources.gg/Firearms.pdf)

leg-hold/gin traps and snares for the purpose of slaughter, control, killing or taking of animals.

- 4.44 The Committee also proposes explicitly prohibiting the use of artificial lights or illuminating devices for the purpose of slaughter, control, killing or taking of animals. However, because such devices are occasionally used in identifying or capturing animals in the course of environmental or scientific research, an exception for these purposes, if carried out by someone who is authorised by the Committee to do so under licence, is proposed. It should be noted that use of night vision devices would still be allowed.
- 4.45 Furthermore, the Committee recommends prohibiting the use of ‘any glue trap which is of such a nature and so placed as to be likely to catch any animal coming into contact with it,’ subject to exceptions and exemptions prescribed by the Committee. For instance, the Committee proposes an exception for the use of fly paper traps inside or within one metre’s proximity of buildings or built structures, as well as exceptions for circumstances in which public health or safety is at risk (for instance with a mouse infestation), control cannot be achieved by other means, and under licence issued to a person who has British Pest Control Association qualifications. The exception in regard to fly paper traps is designed to help avoid bats and birds becoming caught in them, while recognising that their use in or near buildings and built structures such as barns, milking parlours, or rabbit hutches/runs is important in preventing fly infestations that could lead to flystrike in animals and other problems.

Certain slaughtering and stunning instruments:

- 4.46 Various types of ‘slaughtering instruments’ are sometimes used by poultry farms in killing unwanted male chicks or diseased birds, by pest controllers killing pigeons (which are classed as ‘pest’ species in Guernsey), by pigeon keepers dispatching unwanted birds, or for dispatching wounded shot birds classed as ‘game’ species such as pheasants. Additionally, ‘stunning’ devices are sometimes used to render animals unconscious prior to their being killed.
- 4.47 The Animal Welfare (Requirements for Slaughter, Killing, Euthanasia Etc.) Order, 2014 defines ‘slaughtering instrument’ as ‘a firearm, an electrical device or a concussive device which is specifically designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughter’.
- 4.48 Not all slaughtering and stunning devices on the market are considered to be humane.

- 4.49 Correctly applied cervical dislocation (neck-breaking) is widely recognised as a humane method of slaughter for birds. Another method, which uses neck-crushing instruments shaped like pliers, has been shown to be inhumane<sup>18</sup>. Tests on anaesthetised broiler chickens showed that neck-crushing instruments can leave the spinal cord intact and do not sever the carotid artery which means that birds die slowly, of asphyxiation, which is not considered to be a humane method of slaughter. Similarly, handheld pithing instruments, which rely on the strength and agility of the person using the device to activate a metal spike to penetrate a bird's skull or vertebra, are not considered humane.
- 4.50 Additionally, welfare concerns exist in relation to some types of captive-bolt devices used for stunning before slaughter. Captive-bolt stunning devices that are spring-powered or elastic-powered are sometimes used for stunning small animals such as chickens or rabbits prior to slaughter. They are not considered to be humane, because their power mechanism can be insufficient to render animals unconscious instantly.
- 4.51 The Committee proposes that the sale, possession and use of neck-crushing slaughtering instruments, handheld pithing slaughtering instruments, spring-powered captive bolt stunning devices and elastic-powered captive-bolt stunning devices be completely prohibited.
- 4.52 As animal welfare science is likely to progress, and based on the historical evolution of what is considered acceptable in animal welfare terms, it is expected that further devices and methods used in control and slaughter may require prohibition. In order that it may quickly and effectively address such developments, the Committee seeks agreement from the States of Deliberation to provide for further prohibitions on slaughter, control, killing and taking devices and methods by Statutory Instrument.

*Production of foie gras by force-feeding*

- 4.53 The production of foie gras involves force-feeding a mixture of grain and fat to ducks and geese through a tube down their throat, causing the liver to become diseased and enlarged up to ten times its normal size. Due to the cruelty involved in force-feeding and its detrimental effects on animal health, foie gras production violates animal welfare laws in many places. Foie gras production is prohibited in the UK under the Animal Welfare Act 2006. It is also illegal in Ireland, Argentina, Australia, Austria, Croatia, Denmark, Finland, Germany, Israel, Italy, Luxembourg, the Netherlands, Norway, Poland, Sweden, Switzerland and Turkey, and in California.

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<sup>18</sup> [Opinion of the Scientific Panel on Animal Health and Welfare \(AHAW\) on a request from the Commission related to welfare aspects of the main systems of stunning and killing the main commercial species of animals - - 2004 - EFSA Journal - Wiley Online Library](#)



- 4.54 Such production is likely to be currently prohibited under section 1 of the 2012 Ordinance. Nevertheless, the Committee recommends that production of foie gras by force-feeding be explicitly prohibited, in correspondence with other jurisdictions' legislation.

## **5. Potential future alignment with UK provisions**

- 5.1 Given Brexit and the end of Protocol 3, the Bailiwick is no longer obliged to follow EU agri-foods standards (including animal health and welfare) in certain circumstances. However, it is expected that animal health and welfare science and protections will continue to evolve in the EU, and now also separately in the UK.
- 5.2 Authorities have, for many years, worked closely with their UK counterparts in relation to agri-foods. In preparation for Brexit and subsequently, such close working has increased. Agri-foods movements between the Bailiwick and the rest of the British Islands remain our most important (as compared to Europe and the rest of the world). Broad alignment with UK policy outcomes makes such close working more effective; it also simplifies certain aspects of participating in UK Free Trade Agreements.
- 5.3 The Committee will therefore keep UK developments in respect of animal health and welfare in the UK (whilst taking account of international obligations and best practice) under regular review, implement such practices in Guernsey (whilst taking account of relevant local needs and considerations), and return to the States with legislative recommendations as and when they are needed.

## **6. Public education**

- 6.1 The Committee recognises that public education will be important generally and in communicating any legislative changes, and would undertake a public awareness campaign in order to advise islanders of any changes well in advance of their implementation.

## **7. Resourcing and financial aspects**

- 7.1 No additional resources are being requested in relation to the proposals in this Policy Letter. The Animal Health & Welfare Officer post in the agreed Government Work Plan will provide the States Veterinary Officers with capacity to undertake duties in relation to the proposals.

## **8. Consultation**

- 8.1 The Committee has consulted the Director of Environmental Health and Pollution Regulation, the States Veterinary Officers, the Director – Natural Environment, the

Senior Natural Environment Officer and the Law Officers of the Crown as relevant to their responsibilities in this regard.

- 8.2 It has also engaged with local veterinary practices, the GSPCA, the former Guernsey Animal Aid, La Société Guernesiaise, RSPB (Guernsey), British Trust for Ornithology (Guernsey) and the Nature Commission.

## **9. Compliance with Rule 4**

- 9.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

- 9.2 In accordance with Rule 4(1):

- a) The propositions contribute to the States' objectives and policy plans as outlined in the Government Work Plan as described in section 3.
- b) The consultation undertaken with relevant stakeholders in the preparation of the propositions is detailed in section 8 of this Policy Letter.
- c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) The financial implications to the States of carrying the proposal into effect are as described in Section 7 of this Policy Letter.

- 9.3 In accordance with Rule 4(2):

- a) The propositions relate to the Committee's responsibilities to advise the States and to develop and implement policies on matters relating to its purpose including 'agriculture, animal health and welfare and sustainability of food and farming' and 'protection of the natural environment.'
- b) The propositions have the unanimous support of the Committee.

Yours faithfully

H L de Sausmarez  
President

A Gabriel  
Vice-President

A Cameron  
S Fairclough  
A D S Matthews

M Palfrey  
Non-States Member



Committee *for the*  
Environment & Infrastructure

Sir Charles Frossard House  
La Charroterie  
S Peter Port  
Guernsey  
GY1 1FH  
+44 (0) 1481 227000  
environment&infrastructure@gov.gg  
www.gov.gg

President  
Policy & Resources Committee  
Sir Charles Frossard House  
La Charroterie  
S Peter Port  
GY1 1FH

3 June 2024

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE**

REVIEW OF ANIMAL WELFARE LEGISLATION: UPDATE 2024

Dear Sir,

**Preferred date for consideration by the States of Deliberation**

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for the* Environment & Infrastructure requests that the Rule of Animal Welfare Legislation be considered at the States' meeting to be held on 17 July 2024.

Yours faithfully,

H L de Sausmarez  
President  
Committee *for the* Environment & Infrastructure

c.c. [propositions@gov.gg](mailto:propositions@gov.gg)