

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE ANIMAL WELFARE (GUERNSEY) (AMENDMENT) ORDINANCE, 2025

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Animal Welfare (Guernsey) (Amendment) Ordinance, 2025" and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Animal Welfare (Guernsey) Ordinance, 2012 ("the principal Ordinance").

Section 2 of this Ordinance inserts new Part IIA in the principal Ordinance. This new part contains provisions which create the following specific animal welfare offences:

- new section 12A: farming for fur, skin and feathers, with an exception for sheep, alpaca and llama farming,
- new section 12B: force-feeding birds associated with the production of foie gras,
- new section 12C: using wild animals in a circus,
- new section 12D: using, selling or possessing leghold traps and other prohibited devices for the taking, capture, control or killing of any animal,
- new section 12E: using, selling or possessing certain equipment or devices for the purpose of stunning or killing any animal,
- new section 12F: lamping or spotlighting for the purpose of taking, capture, control or killing of any animal, unless licensed by the Committee for Environment & Infrastructure
- new section 12G: using glue traps to catch animals, unless licensed by the Committee for Environment & Infrastructure.

New section 12H inserted in the new Part IIA empowers the Committee to make regulations to prohibit or regulate: the exportation or importation of animals; the use, sale or possession of equipment or devices for the taking, capture, control, slaughter or killing of animals; any other activity involving animals. New section 12I authorises the Committee to make regulations to authorise, exempt or except things which would otherwise be an offence under this new Part.

Section 3 of this Ordinance amends section 27 of the principal Ordinance to clarify that the Committee cannot issue a licence under section 26 of the principal Ordinance for anything prohibited under any other part of the principal Ordinance (including the new

Part IIA), any regulations made under the principal Ordinance or any other Ordinance made under the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008.

Section 4 of this Ordinance amends section 58(3) of the principal Ordinance to remove the requirement to give at least 24 hours' notice in order to enter premises under section 58(1) or (2), and section 5 updates section 68 of the principal Ordinance.

Sections 6, 7, 8, 9 and 10 of this Ordinance amend sections 69, 70, 71, 72 and 74 respectively of the principal Ordinance, consequential to the creation of the new offences in Part IIA, and section 11 inserts new definitions in section 81(1) referring to terms defined in the new Part IIA.

Section 12 of this Ordinance deletes paragraph 9 in Schedule 2 to the principal Ordinance, as a consequence of the specific prohibition (and offence) of farming for fur, hides and feathers.

This Ordinance will come into force on a day appointed by Order of the Committee.

The Animal Welfare (Guernsey) (Amendment) Ordinance, 2025

ARRANGEMENT OF SECTIONS

1. Amendment of Ordinance of 2012.
2. Insertion of new Part IIA in the principal Ordinance.
3. Amendment of section 27 of the principal Ordinance.
4. Amendment of section 58 of the principal Ordinance.
5. Substitution of section 68 of the principal Ordinance.
6. Amendment of section 69 of the principal Ordinance.
7. Amendment of section 70 of the principal Ordinance.
8. Amendment of section 71 of the principal Ordinance.
9. Amendment of section 72 of the principal Ordinance.
10. Amendment of section 74 of the principal Ordinance.
11. Amendment of section 81 of the principal Ordinance.
12. Amendment of Schedule 2 to the principal Ordinance.
13. Extent.
14. Citation.
15. Commencement.

The Animal Welfare (Guernsey) (Amendment) Ordinance, 2025

THE STATES, in pursuance of their Resolution of the 18th July, 2024^a, and in exercise of the powers conferred on them by sections 1, 2 and 3 of the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of Ordinance of 2012.

1. The Animal Welfare (Guernsey) Ordinance, 2012^c ("**the principal Ordinance**") is amended as follows.

Insertion of new Part IIA in the principal Ordinance.

2. Immediately after Part II of the principal Ordinance, insert the following part -

"PART IIA SPECIFIC OFFENCES

Offence of fur, skin, feather, etc. farming.

12A. (1) Subject to subsection (3), a person commits an offence if the person keeps animals solely or primarily -

^a Article VI of Billet d'État No. XII of 2024.

^b Order in Council No. XX of 2008; this enactment has been amended.

^c Ordinance No. III of 2012; this enactment has been amended.

(a) for slaughter (whether by the person's self or another) for the value of their fur, skin, hide, feathers or down, or

(b) for breeding progeny for such slaughter.

(2) Subject to subsection (3), a person commits an offence if the person knowingly causes or knowingly permits another person to keep animals as mentioned in subsection (1).

(3) For the avoidance of doubt, it is not an offence under subsection (1) or (2) for a person to -

(a) keep, farm or breed a woolly animal for the production of its wool, or

(b) knowingly cause or knowingly permit another person so to keep, farm or breed a woolly animal.

(4) In subsection (3) -

"wool" includes hair, and

"woolly animal" means sheep, alpaca or llama, including the young of any of these animals.

(5) The references in this section to keeping animals for slaughter or to breeding progeny for slaughter include keeping or (as the case may be) breeding them for sale for slaughter.

(6) For the avoidance of doubt, nothing in subsection (3) limits the effect of any prohibition or restriction on the importation of any animal under this Ordinance or any other enactment.

Offence of force feeding birds.

12B. (1) A person commits an offence if the person -

- (a) force feeds a bird for the purpose of enlarging the bird's liver beyond normal size, or
- (b) knowingly causes or knowingly permits another person to force feed a bird as mentioned in paragraph (a).

(2) In this section "**force-feeding**" means the practice of forcing, by any means, food or supplements into the throat, oesophagus, crop or stomach of a bird.

Offence of use of wild animals in circuses.

12C. (1) A circus operator must not use a wild animal in a circus.

(2) For the purposes of this section, a circus operator uses a wild animal in a circus if the animal performs or is exhibited as part of the circus.

(3) A circus operator who contravenes subsection (1) is guilty of an offence.

(4) In this section -

"**circus operator**", in relation to a circus, means -

- (a) the owner of the circus,
- (b) any other person with overall responsibility for the operation of the circus, and
- (c) if neither the owner of the circus nor any person with overall responsibility for its operation is present in Guernsey, the person in Guernsey who is ultimately responsible for the operation of the circus, and

"**wild animal**" includes the following -

- (a) any animal, including a feral animal, which is or was, before it was taken, living in a wild state,
- (b) an animal of a kind which is not commonly domesticated in the British Islands,
- (c) hybrid animals of two wild species or one wild and one domesticated species,
- (d) any other prescribed animal.

Prohibition of devices, etc. for taking, capture, control, slaughter or killing of animals.

12D. (1) This section applies to the following ("**prohibited devices**") -

- (a) any leghold trap,
- (b) any snare.

- (2) A person is guilty of an offence if the person -
- (a) uses, or knowingly permits the use of, a prohibited device for a prohibited purpose,
 - (b) sells, or exposes or offers for sale, a prohibited device, with a view to its being used for a prohibited purpose, or
 - (c) has any prohibited device in the person's possession with a view to its being used for a prohibited purpose.

(3) It is a defence for a person ("**B**") charged with an offence under subsection (2) in relation to any snare held and operated by hand, to prove on the balance of probabilities that -

- (a) in the case of an offence under subsection (2)(a), B, or (as the case may be) any other person using the snare, was an Authorised Person,
- (b) in the case of an offence under subsection (2)(b), B sold, or (as the case may require) exposed or offered for sale, the snare only to an Authorised Person for use by that Authorised Person,
- (c) in the case of an offence under subsection (2)(c) -
 - (i) B was an Authorised Person, or
 - (ii) B had the snare in B's possession solely for use by an Authorised Person.

(4) For the avoidance of doubt, in subsection (3), a reference to an Authorised Person includes an Authorised Person whether or not that Authorised Person was carrying out a function under this Ordinance.

(5) In this section -

"**leghold trap**" means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal's limbs, thereby preventing withdrawal of the limb or limbs from the trap, and

"**prohibited purpose**" means the taking, capture, control, slaughter or killing of any animal.

Prohibition of devices, etc. used for stunning or killing animals.

12E. (1) This section applies to any equipment or device ("**proscribed device**") that -

- (a) is designed or capable of being used to -
 - (i) crush or break the neck or junction between the neck and head of any conscious animal, or
 - (ii) pith the brain or spinal cord of any conscious animal, or
- (b) uses springs or elastic as the principal source of its power, and is designed or capable of being used to stun or kill a conscious animal.

(2) A person is guilty of an offence if the person -

- (a) uses, or knowingly permits the use of, a proscribed device for a proscribed purpose,
- (b) sells, or exposes or offers for sale, a proscribed device, with a view to its being used for a proscribed purpose, or
- (c) has any proscribed device in the person's possession with a view to it being used for a proscribed purpose.

(3) For the purposes of this section, "**proscribed device**" -

- (a) is deemed to include any equipment or device specified by notice of the Committee to be a proscribed device, but
- (b) is deemed to exclude any equipment or device specified by notice of the Committee not to be a proscribed device.

(4) A notice under subsection (3) may specify the conditions under which, or circumstances in which, the equipment or device is, or is not, to be regarded as a proscribed device.

(5) A notice under subsection (3) must be published in a manner and for a period that the Committee thinks fit.

(6) In this section, "**proscribed purpose**" means stunning or killing any animal.

Offence of lamping and spotlighting.

12F. (1) A person is guilty of an offence if the person uses, or knowingly permits the use of, anything specified in subsection (2) for a prohibited purpose except under and in accordance with the terms and conditions of a licence issued by the Committee for the purposes of this section.

(2) Subsection (1) refers to the following -

- (a) any device for illuminating an animal,
- (b) any form of artificial light, mirror or other dazzling device.

(3) In this section, "**prohibited purpose**" has the meaning given by section 12D(5).

(4) For the avoidance of doubt, using or permitting the use of either of the following is not an offence under subsection (1) if the condition in subsection (5) is satisfied -

- (a) any device or equipment designed, or capable of being used, for illuminating a sighting device for night shooting,
- (b) any goggles, glasses, telescope or other device or equipment designed, or capable of being used, to enable the person to see or better see the target animal at night.

(5) The condition in this subsection is satisfied if use of the device or equipment is not likely to result, and does not result, in an animal being dazzled in any way.

Offence of using glue traps.

12G. (1) A person is guilty of an offence if the person sets, or permits the setting of, a glue trap -

- (a) for the purpose of catching any animal, or
- (b) in a manner which gives rise to a risk that an animal will become caught in the glue trap.

(2) Subsection (1) does not apply if the person sets the glue trap, or permits another person to set the glue trap, under and in accordance with the terms and conditions of a licence issued by the Committee for the purposes of this section.

(3) In this section, "**glue trap**" means a trap which satisfies both conditions 1 and 2.

(4) Condition 1 is that the trap -

- (a) is designed, or capable of being used, to catch any animal, or
- (b) is of such a nature and is so placed as to be likely to catch any animal coming into contact with it.

(5) Condition 2 is that the trap uses an adhesive substance as the means, or one of the means, of capture.

Committee may prohibit other specific activities.

12H. (1) The Committee may make regulations for the purpose of prohibiting or regulating all or any of the following, in connection with animal welfare or the protection of animals -

- (a) the exportation or importation of any animal,
 - (b) the use, sale or possession of any equipment or device for the taking, capture, control, slaughter or killing of any animal,
 - (c) any other activity involving or in any way connected or potentially connected with any animals.
- (2) Regulations under subsection (1) -
- (a) may make provision in relation to the creation, trial and punishment of offences,
 - (b) may apply any provision of section 70, 71, 72 or 74 of this Ordinance, with or without modifications, to an offence under the regulations, and
 - (c) may empower the Committee, any other committee of the States, any other body or authority (including any court in Guernsey), or any person to issue codes or guidance in relation to any matter for which regulations may be made under that subsection.
- (3) Regulations under subsection (1) may not -
- (a) provide for offences to be triable on indictment,
 - or

(b) authorise the imposition, on summary conviction of an offence, of -

(i) a term of imprisonment exceeding 12 months, or

(ii) a fine exceeding twice level 5 on the uniform scale.

Exceptions, exemptions and defences.

12I. The Committee may make regulations for the following purposes -

(a) authorising anything which would otherwise be an offence under this Part,

(b) providing for exceptions and defences to, and exemptions from, an offence under this Part."

Amendment of section 27 of the principal Ordinance.

3. In section 27 of the principal Ordinance -

(a) number the current provision "(1)", and

(b) immediately after the new subsection (1), insert the following subsection -

"(2) For the avoidance of doubt, the Committee must not issue a licence under section 26 for anything which is prohibited under -

(a) any other part of this Ordinance,

(b) any regulations made under this Ordinance, or

- (c) any other Ordinance made under the Law."

Amendment of section 58 of the principal Ordinance.

4. In section 58(3) of the principal Ordinance, delete paragraph (a).

Substitution of section 68 of the principal Ordinance.

5. For section 68 of the principal Ordinance, substitute the following sections -

"Criminal liability of directors etc. for offences under the Law.

68. (1) Where an offence under the Law is committed by a body corporate, limited partnership with legal personality or foundation and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) in the case of a body corporate, any director, manager, secretary or other similar officer,
- (b) in the case of a limited partnership with legal personality, any general partner,
- (c) in the case of a foundation, any foundation official, or
- (d) any person purporting to act in any capacity described in any of paragraphs (a) to (c),

that person as well as the body corporate, limited partnership or foundation is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with the member's functions of management as if the member were a director.

(3) In this section -

"foundation" means -

- (a) a foundation created under the Foundations (Guernsey) Law, 2012, or
- (b) an equivalent or similar body created or established under the law of another jurisdiction (however named),

"foundation official" means -

- (a) in relation to a foundation created under the Foundations (Guernsey) Law, 2012, a foundation official within the meaning of that Law, and
- (b) in relation to an equivalent or similar body created or established under the law of another jurisdiction, a person with functions corresponding to those of a foundation official described in paragraph (a) of this definition, and

"general partner" means -

- (a) in relation to a limited partnership falling within paragraph (a) of the definition in this section of **"limited partnership"**, a general partner within the meaning of the Limited Partnerships (Guernsey) Law, 1995 or the

Limited Partnerships (Alderney) Law, 2021,
and

- (b) in relation to a limited partnership falling within paragraph (b) of the definition in this section of "**limited partnership**", a person whose liability for, and functions in relation to, the partnership correspond to that of a general partner described in paragraph (a) of this definition.

- (4) In this section and in section 68A, "**limited partnership**"

means -

- (a) an arrangement which is registered as a limited partnership, and in respect of which there is a valid certificate of registration, under the Limited Partnerships (Guernsey) Law, 1995 or the Limited Partnership (Alderney) Law, 2021, or
- (b) an arrangement entered into under the laws of a jurisdiction outside Guernsey between two or more persons, under which -
 - (i) one or more of them is, or are jointly and severally, liable without limitation for all debts and obligations to third parties incurred pursuant to the arrangement, and

- (ii) the others have, by whatever means, contributed or agreed to contribute specified amounts pursuant to the arrangement and are not liable for those debts and obligations (unless they participate in controlling the business or are otherwise subjected to a greater liability by those laws in specified circumstances) beyond the amount contributed or agreed to be contributed,

whether with or without legal personality.

Criminal proceedings against unincorporated bodies.

68A. (1) Where an offence under the Law is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) in the case of a partnership (not being a limited partnership with legal personality or a limited liability partnership), any partner,
- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty of which the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or
- (c) any person purporting to act in any capacity described in paragraph (a) or (b),

that person as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where an offence under the Law is alleged to have been committed by an unincorporated body, proceedings for the offence must, without prejudice to subsection (1), be brought in the name of the body and not in the name of any of its members.

(3) A fine imposed on an unincorporated body on its conviction for an offence under the Law must be paid from the funds of the body.

(4) In this section, a "**limited liability partnership**" means -

- (a) a limited liability partnership formed in Guernsey under the Limited Liability Partnerships (Guernsey) Law, 2013, or
- (b) an entity formed under the laws of a jurisdiction outside Guernsey, being an entity corresponding to a limited liability partnership described in paragraph (a)."

Amendment of section 69 of the principal Ordinance.

6. In section 69(2) of the principal Ordinance, immediately after "7," insert "12A, 12B, 12D, 12E, 12G,".

Amendment of section 70 of the principal Ordinance.

7. In section 70 of the principal Ordinance -

- (a) in subsection (1)(a), immediately after "8," insert "12A, 12B, 12C, 12D(2)(a), 12E(2)(a)," and

- (b) in subsection (2), immediately after "8," insert "12A, 12B, 12C, 12D(2)(a), 12E(2)(a),".

Amendment of section 71 of the principal Ordinance.

8. In section 71 of the principal Ordinance, immediately after "8," insert "12A, 12B, 12C, 12D(2)(a), 12E(2)(a), 12F, 12G,".

Amendment of section 72 of the principal Ordinance.

9. In section 72(1) of the principal Ordinance, immediately after "8," insert "12A, 12B, 12C, 12D, 12E, 12F, 12G,".

Amendment of section 74 of the principal Ordinance.

10. In section 74 of the principal Ordinance -

- (a) in subsection (1), immediately after "10," insert "12A, 12B, 12C, 12D, 12E, 12F, 12G,"

- (b) in subsection (2), immediately after paragraph (f), insert the following paragraphs -

"(fa) in the case of a conviction for an offence under section 12D, any prohibited device within the meaning of that section,

(fb) in the case of a conviction for an offence under section 12E, any proscribed device within the meaning of that section,

(fc) in the case of a conviction for an offence under section 12G, any glue trap within the meaning of that section, and

- (fd) in the case of a conviction for an offence under any of sections 12A to 12G, any equipment, device or other thing used in the commission of the offence (whether or not it is of a kind specified in paragraph (fa), (fb) or (fc)),".

Amendment of section 81 of the principal Ordinance.

11. In section 81(1) of the principal Ordinance, insert the following definitions in the appropriate alphabetical order -

""**circus operator**": see section 12C(4),",

""**force-feeding**": see section 12B(2),",

""**glue trap**": see section 12G(3),",

""**leghold trap**": see section 12D(5),",

""**prohibited device**": see section 12D(1),",

""**prohibited purpose**": see section 12D(5),",

""**proscribed device**": see section 12E(1) and (3),",

""**proscribed purpose**": see section 12E(6),",

""**wool**": see section 12A(4),", and

""**woolly animal**": see section 12A(4),".

Amendment of Schedule 2 to the principal Ordinance.

12. In Schedule 2 to the principal Ordinance, delete paragraph 9.

Extent.

13. This Ordinance has effect in the Islands of Guernsey, Herm and Jethou.

Citation.

14. This Ordinance may be cited as the Animal Welfare (Guernsey) (Amendment) Ordinance, 2025.

Commencement.

15. This Ordinance shall come into force on the day appointed by Order of the Committee; and different dates may be appointed for different provisions and for different purposes.