

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3423 of 19 August, 2004



I ASSENT,

DAVID BLUNT,

ACTING GOVERNOR.

17th August, 2004.



GIBRALTAR

No. 27 of 2004

AN ORDINANCE to amend the Animals and Birds Ordinance to give further effect to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EC as amended by Commission Regulation (EC) No 592/2004 of 30 March 2004 amending Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the lists of countries and territories and for other purposes related to the Ordinance.

ENACTED by the Legislature of Gibraltar.
Title

1. This Ordinance may be cited as the Animals and Birds (Amendment) Ordinance 2004.

Amendments to the Animals and Birds Ordinance

2. The Animals and Birds Ordinance is amended—

(a) in section 2(1) by—

(i) substituting for the definition of “authorised officer” the following—

““authorised officer” means any police officer, customs officer, officer of the Environmental Agency or other inspector employed by the Government for the purposes of this Ordinance;”;

(ii) inserting the following new definitions after the definition of “domestic animal”—

““the EC Regulation” means Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EC as amended by Commission Regulation (EC) No 592/2004 of 30 March 2004 amending Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the lists of countries and territories;”;

(iii) substituting for the definition of “Government veterinary surgeon” the following—

““Government Veterinary Practitioner” means a qualified veterinary practitioner appointed by the Minister for the Environment;”;

(iv) inserting the following new definition after the definition of “Government Veterinary Practitioner”—

““Licensing Officer” means the person appointed by the Minister for the Environment under section 10(4);”;

- (v) substituting for the definition of “vaccinated” the following—

““vaccinated” means vaccinated with an inactivated rabies vaccine of at least one antigenic unit per dose (WHO standard) in accordance with the recommendations of the manufacturing laboratory;”;
and

- (b) in sections 2(2), 10(4) and 26 substituting for the word “Governor” the words “Minister for the Environment”;

- (c) in sections 4, 7, 10(3) and 24 substituting for the words “Chief Environmental Health Officer” the words “Environmental Agency”;

- (d) in sections 4, 22(4), 22(5) and 22(6) substituting for the word “surgeon” the word “practitioner”;

- (e) in section 10—

- (i) in subsection (1)(a), after the word “registered” by inserting the words “to him”;

- (ii) by inserting the following after subsection (1B)—

“(1C) For the purpose of this section “keep” means to own or otherwise have in one’s possession for a period of more than three months.”;

- (f) in section 21 by substituting the following—

“21. Rules made under the provisions of this Ordinance may provide—

- (a) that any person who moves or imports any animal into Gibraltar, or attempts to move or import any animal into Gibraltar, in breach of the rules shall be liable, on summary conviction,

to a fine up to level 4 on the standard scale or to imprisonment for up to six months or both; and

(b) such other penalties as are necessary.”;

(g) in section 22 by inserting–

(i) the following new subsections after subsection (1)–

“(1A) An authorised officer may require any person entering Gibraltar to inform him whether he has any animal or animals in his control or possession.

(1B) An authorised officer may require any person entering Gibraltar with an animal in his control or possession to prove that he holds any import licence, pet passport, veterinary certificate or other permit or document which is required under this Ordinance or the EC Regulation.”

(h) in section 23 by inserting after the words “by this Ordinance or” the words, “ the EC Regulation”;

(i) in section 26 by adding a new paragraph after paragraph (k) as follows–

“(kk) for the purpose of complying with any obligation arising under the Treaties (as defined by the European Communities Ordinance);”.

Passed by the Gibraltar House of Assembly on the 26th day of July, 2004.

D. J. REYES,

Clerk to the Assembly.

**Printed by the Gibraltar Chronicle Limited
Printing Office, 2, Library Gardens,
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price £0.40p.**