

ORDINANCE 2 OF 2003

AN ORDINANCE
TO PROVIDE FOR THE IMPROVEMENT
OF ANIMAL BREEDS

T. W. RIMMER
ADMINISTRATOR

19 February 2003.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Improvement of Animal Breeds Ordinance 2003.

Short Title.

2. In this Ordinance, unless the context otherwise requires:-

Interpretation.

“animal” means any pure-bred breeding animal or hybrid breeding pig used for reproduction;

“artificial insemination” means the placement of sperm of a male animal inside the reproductive organs of a female animal by artificial means;

“artificial reproduction” means artificial insemination or transplantation of ova or embryos into the reproductive organs of a female animal, for the purposes of effecting gestation in such animal;

“bank of reproductive material” means any premises, fixed or mobile, in which reproductive material is kept for distribution, sale or other disposal;

“community council officer” means an officer of the local community council;

“competent authority” means the authority charged with specific responsibilities in connection with the breeding of animals, including the responsibility of recognising breeders’ associations established in the Republic or in any member State; and the competent authority for the Areas is the authority appointed by the Republic under section 21 of the corresponding Republican Law;

Republican Law
N.86(1)/2001.

“competition” means any equestrian competition, including horse racing, show-jumping, eventing, dressage, events reserved for horse-drawn vehicles and showing classes;

“contravention” includes failure to comply and “contravene” is to be construed accordingly;

“corresponding Republican Law” means the Improvement of Animals Law 2001 and any regulations made thereunder, as amended from time to time;

“equidae” means domestic animals of the equine or asinine species or crossbreeds thereof;

“genealogical book” means any book, register, file or other data medium in which are entered or registered pure-bred breeding animals of a given breed, with mention of their ancestors, and which is maintained by:-

- (a) a recognised breeder’s association; or
- (b) the official agency of the Republic, the Areas or the member State concerned;

“genetic value” means the expected hereditary effect of the reproductive material of an animal on the performances, outputs or other desired characteristics of its descendants;

“hybrid breeding pig” means any animal of the porcine species which fulfils the following criteria:-

- (a) it is entered in a register; and
- (b) it is the result of a deliberate cross-breeding:-
 - (i) between pure-bred pigs of different breeds or lines;
 - (ii) between pigs which are themselves the outcome of a cross-breeding between different breeds or lines; or
 - (iii) between pure-bred pigs and pigs belonging to one or other of the categories above;

“inspector” means any inspector appointed under section 8(1);

“member State” means a member State of the European Union;

“performance monitoring” means the measurement of the outputs, performances, and other desired characteristics of an animal;

“pure-bred breeding animal” means any animal belonging to the bovine species (including bulls), the porcine species, or any sheep, goat, or equid, the parents and grandparents of which are entered or registered in a genealogical book of the same breed and which is itself entered or registered and eligible for entry or registration in such a genealogical book;

“recognised breeders’ association” means a breeders’ association recognised by the relevant competent authority;

“registered equidae” means equidae which are entered or registered and eligible for entry or registration in a genealogical book in accordance with the criteria for entry and registration therein and identified by the appropriate certificate, (hereinafter referred to as a “horse “passport””);

“register” means any book, system of records, catalogue, or computerised system in which hybrid breeding pigs are recorded with mention of their ancestors and which is maintained by:-

- (a) a recognised breeders’ association; or
- (b) the official agency of the Republic or the member State concerned;

“Regulations” means the Regulations made under section 12;

“reproductive material”, in relation to an animal, means the semen, ova or embryos of the animal;

“Republic” means the Republic of Cyprus;

“third country” means a country other than the Republic which is not a member State of the European Union;

“zootechnical or genealogical certificate” means any certificate issued by:-

- (a) a recognised breeders’ association; or
- (b) the official agency of the Republic or member State concerned,

including any horse passport.

3. This Ordinance shall apply to and in relation to the breeding of animals of the bovine, porcine and equidae species, goats, sheep and other pure-bred animals, and the use of their reproductive material, with a view to improving the breeds of such animals.

Application.

4. – (1) Subject to subsection (3), the rules of equidae competitions in the Areas must not discriminate:-

Equidae competitions.

- (a) between equidae which are registered in the Republic and equidae registered in any member State; and
- (b) between equidae which originated in the Areas or the Republic and equidae which originated in any member State.

(2) The obligations in subsection (1)(a) and (b) shall apply in particular to:-

- (a) the requirements for entering the competition, in particular, the minimum or maximum requirements;
- (b) the judging of the competition;
- (c) the prize money or profits which may accrue from the competition.

(3) Subsection (1) shall not apply to or in relation to:-

- (a) competitions reserved for equidae registered in a specific genealogical book, for the purpose of facilitating the improvement of the breed;
- (b) local competitions organised with a view to selecting equidae; or
- (c) historic or traditional events.

(4) Where an animal which:-

- (a) is registered in the Republic or in any member State; or

- (b) originated in the Areas, the Republic or in any member State,

is refused entry to any equidae competition, the reasons therefor shall be communicated in writing to the owner or his authorised representative.

(5) The Chief Officer shall appoint a person to collect and make a record of data concerning the organisation in the Areas of:-

- (a) any competitions reserved for equidae registered in a specific genealogical book for the purpose of facilitating the improvement of the breed;
- (b) any local equidae competitions, held with a view to selecting equidae; and
- (c) any historic or traditional events involving equidae.

(6) The criteria for the distribution of the prize money or profits which may accrue from equidae competitions shall be prescribed by Regulations.

5. Every disposal in trade of an animal or the reproductive material of an animal shall be accompanied at the time by the appropriate zootechnical or genealogical certificate.

6. – (1) The animals shall be subjected to performance monitoring and genetic value assessment in accordance with the appropriate methods, which methods shall be prescribed by Order, to be published in the Gazette.

(2) The results of any performance monitoring and genetic value assessment carried out pursuant to subsection (1) shall be notified to the relevant recognised breeders' association and the relevant official agency in the Republic.

(3) The methods used for genetic value assessment shall be scientifically acceptable according to established zootechnical principles.

(4) Whenever the competent authority carries out an assessment of the genetic value of an animal, it shall utilise any data arising from the performance monitoring of the animal carried out by a recognised breeders' association or the relevant official agency of the Republic.

(5) Where any of the data referred to in subsection (4) is missing, the competent authority may carry out the performance monitoring of the animal or approve the carrying out of such monitoring by any person under the supervision of the relevant official agency of the Republic and require the submission of any other relevant information which, in its judgement, is necessary or will be useful for the assessment of the genetic value of such animal.

7. – (1) Without prejudice to any legislative provisions concerning animal health, the competent authority shall ensure that there is no prohibition, restriction of or obstacle to:-

- (a) the acceptance of pure-bred breeding female animals for reproduction;
- (b) the acceptance of pure-bred breeding male animals for natural service;

Certificates to accompany animals when traded.

Performance monitoring and genetic value assessment.

Acceptance of animal for reproduction.

- (c) the use of ova and embryos from pure-bred breeding female animals.
- (d) the acceptance of pure-bred breeding male animals or the use of their semen, for artificial insemination purposes, where such animals have been accepted for such purposes in a member State on the basis of tests for monitoring their performance and assessing their genetic value carried out in accordance with the rules in that member State;
- (e) the acceptance of pure-bred breeding male animals or the use of their semen, for official testing purposes, within the quantitative limits necessary for the tests for monitoring their performance and assessing their genetic value to be carried out in accordance with the methods prescribed by Order made under section 6(1) by organisations approved by the Republic for the purpose under the corresponding Republican Law.

(2) Where a disagreement arises between the relevant parties concerning the acceptance, for artificial insemination or for official testing purposes, of any male pure-bred animal of the bovine or porcine species or the use of its semen, particularly with regard to interpretation of any tests results, the parties shall be entitled to solicit the opinion of an expert.

(3) In the light of the expert's opinion, measures may be adopted at the request of the competent authority.

(4) Regulations shall prescribe the rules and procedures to be followed by the parties in order to resolve any disagreement under subsection (2).

(5) Without prejudice to any legislative provisions concerning animal health, the competent authority shall ensure, for marketing purposes, that the reproductive material of animals is collected, treated and stored in a bank of reproductive material which is registered in accordance with the corresponding Republican Law.

8. – (1) The Chief Officer may appoint as inspectors such persons having suitable qualifications as he thinks necessary for the purposes of ensuring compliance with this Ordinance and any Regulations and Orders made thereunder and may terminate any such appointment.

Appointment,
duties and powers
of inspectors.

(2) Without prejudice to any other duties which may be imposed by or under this Ordinance, it shall be the duty of each inspector to:-

- (a) assist the competent authority in the exercise of its functions and the performance of its duties under the corresponding Republican Law including, in particular, providing advice in relation to the granting, revision or revocation of any approval under that Law;
- (b) co-operate with and accompany any community council officer in any visit to any premises or other place where activities are carried out which are subject to this Ordinance or any Regulations or Orders made thereunder and to provide him with every necessary assistance to enable him to fulfil his duties;
- (c) draw the attention of the competent authority to any contravention or other undesirable situation discovered by him and to advise the competent authority on the measures to be taken.

(3) For the purpose of discharging his duties and ensuring compliance with this Ordinance and any Regulations and Orders made thereunder, every inspector shall have the power at any reasonable time, upon production of proof of his appointment:-

- (a) to enter any premises or other place or any vehicle or other means of transportation for the purpose of ascertaining whether the provisions of this Ordinance or any Regulations or Orders made thereunder have been or are being complied with;
- (b) to carry out such inspections and examinations (including inspection or examination of animals, reproductive material of animals, genealogical books and other books and documents) as may be necessary for the purposes of paragraph (a) above;
- (c) to carry out the marking of any such animal;
- (d) to require the owner or any other person in charge of the premises or other place, to supply any information relevant to any examination or investigation under paragraph (b) above and to produce any book or document required to be kept by or under this Ordinance;
- (e) to take samples from such animals or the reproductive material of such animals.

(4) Where an inspector finds in any premises, which he has power to enter, any animal, reproductive material of any animal, book or other document which he believes may constitute evidence of the commission of an offence under this Ordinance, he may take possession of it and detain it for the purpose of ensuring that it is available for use as evidence in any proceedings brought in connection with such offence.

9. It is an offence for any person:-

- (a) to intentionally obstruct an inspector in the exercise of his powers or the performance of his duties;
- (b) to make a statement which he knows to be false or recklessly to make a statement which is false where the statement is made in purported compliance with a requirement to furnish any information imposed by or under this Ordinance or for the purpose of obtaining the issue of any approval or other document under this Ordinance;
- (c) intentionally to make a false entry in any book, register, or other document required to be kept, served or provided by or under this Ordinance or, with intent to deceive, to make use of any such entry which he knows to be false;
- (d) with intent to deceive, to:-
 - (i) affix on any animal any mark so closely resembling any mark required by or under this Ordinance as to be calculated to deceive; or
 - (ii) tamper with any mark affixed to any animal for the purposes of this Ordinance; or
- (e) to contravene any prohibition or requirement imposed by or under this Ordinance.

(2) Any person guilty of an offence under subsection (1) shall be liable, on conviction, to:-

- (a) imprisonment for a term not exceeding six months;
- (b) a fine not exceeding the sum of £1.000; or
- (c) both such penalties.

10. – (1) Where an offence committed by a body corporate under this Ordinance is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

Offences by bodies corporate.

(2) For the purposes of subsection (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

11. For the purposes of this Ordinance, the Chief Officer may delegate, by Order to be published in the Gazette, any of the functions imposed upon him and any of the powers conferred on him for all or any purpose specified by him, to any person or authority.

Delegation of Chief Officer's functions and powers.

12. The Administrator may make Regulations and Orders, to be published in the Gazette, for the better application of this Ordinance.

Regulations.

13. All information and documents required by or under this Ordinance shall be written in Greek or English and, where different, the language of the member State of destination.

Language of documents.

14. This Ordinance shall come into force on such day as the Administrator shall appoint by notice to be published in the Gazette.

Commencement.

19th February 2003
(195/1)

J.C.A. JARVIS CBE,
Chief Officer.
