
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 460

ANIMALS

Export of Animals (Protection) Order (Northern Ireland) 1996

Made - - - - *30th September 1996*

Coming into operation *1st November 1996*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1)(a) and (b), 19(h), 21, 23(b), 23A, 44 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(1) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Export of Animals (Protection) Order (Northern Ireland) 1996 and shall come into operation on 1st November 1996.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“airport” includes any place at which animals are loaded into or unloaded from an aircraft;

“animals” means cattle, goats, sheep and swine;

“approved disinfectant” means a disinfectant approved for the time being by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(2);

“approved premises” has the meaning given to it by Article 4(1);

“calves” means cattle under the age of 6 months;

“consignment” means one or more animals transported together in the same vehicle, vessel or aircraft;

“dried milk” means milk, partly skimmed milk or skimmed milk, which has been concentrated to the form of powder or solid by the removal of water;

“international transport” means any movement of animals effected by a means of transport which involves the crossing of a frontier but does not include movement to another member State of the European Union;

“master” includes any person having charge or command of a vessel, except a pilot;

“pilot” in relation to an aircraft, means the pilot or other person having charge or command of the aircraft;

(1) S.I.1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and S.I. 1994/1891 (N.I. 6) Articles 23(1) and (2), 24(1) and Schedule
(2) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467

“port” includes any place at which animals are loaded into or unloaded from a vessel;
“receptacle” means a crate, box or other container used for the carriage of animals which is not self-propelled, and which does not form part of a vehicle, vessel or aircraft;

“rest period” has the meaning given to it by Article 4(3);

“unfit” includes infirm, diseased, ill, injured and fatigued;

“vehicle” means—

- (a) in relation to carriage of animals by road, any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road whether drawn or propelled by animal or mechanical power, and
- (b) in relation to carriage of animals by rail, rolling stock of any description; and

“vessel” includes hovercraft.

(a) For the purposes of this Order the international transport of an animal shall begin when the animal is loaded for export at approved premises. Where an animal is exempted from being rested at approved premises by a licence granted under Article 13, the international transport of that animal shall begin when it is loaded for export at the premises named in the licence. Where two or more animals are to be transported together, the international transport of all the animals in that consignment shall begin when the first animal is loaded for export. Where an animal is led on foot from approved premises or the premises named in the licence to a vessel or aircraft at a port or airport, the international transport of that animal shall begin when it is loaded into the vessel or aircraft for export.

(b) For the purposes of this Order the international transport of an animal shall end when the animal has reached its final destination.

(3) Every duty relating to animals imposed by this Order shall be interpreted in its application to individual animals or to animals of a particular class or species according to the needs and characteristics of that individual, class or species.

Regulation of exportation of animals in the interests of their welfare

3.—(1) A person shall not export or cause or permit to be exported from Northern Ireland to any place outside Great Britain, the Channel Islands, the Isle of Man or another member State of the European Union any animals except under the authority of and in accordance with the conditions of a licence issued by the Department.

(2) The Department in issuing or refusing to issue a licence shall have regard to all matters connected with the welfare of the animals intended for export and in particular the Department shall not issue a licence unless satisfied that the arrangements for transporting the animals to their final destination are such as to protect them from unnecessary suffering.

(3) Any person wishing to obtain a licence under this Article shall make an application to the Department in such form and manner and within such time as the Department may require and shall provide the Department with the following information—

- (a) the number and description of each species of animals in respect of which the application is made;
- (b) where applicable, the stage of pregnancy of the animals;
- (c) the address of the approved premises in which the animals are being, or will be, rested;
- (d) the details of arrangements made for feeding and watering those animals whose international transport is unlikely to be completed within 18 hours;

- (e) the mode of transport of the animals to their final destination and the description and the identifying details of the vehicles, vessels, aircraft or receptacles to be used for this purpose;
- (f) the ports or airports of embarkation and disembarkation;
- (g) the name and address of the person to whom the animals are to be consigned; and
- (h) the address of the place which is to be the final destination of the animals and the name of the person in charge of that place.

(4) The Department may vary, revoke or suspend a licence issued under this Article by a notice in writing served on the person to whom the licence was issued.

Resting of animals before export

4.—(1) A person shall not export or cause or permit to be exported from Northern Ireland to any place outside Great Britain, the Channel Islands, the Isle of Man or another member State of the European Union any animals unless immediately before their international transport they have been rested by detention for the rest period defined in paragraph (3) on premises (hereinafter called “approved premises”) which are—

- (a) having regard to all factors affecting the welfare of animals, within a reasonable distance of the port or airport of embarkation;
- (b) provided with suitable protection against the weather; and
- (c) approved in writing for that purpose by the Department.

(2) The Department may—

- (a) grant the approval referred to in paragraph (1)(c) subject to such conditions as may be specified in the approval;
- (b) vary, revoke or suspend the approval by notice in writing served on the owner, occupier or the person having the charge or control of the approved premises;
- (c) grant the approval to remain in force until revoked or to expire at a time specified in the approval.

(3) The rest period shall be a period of not less than 10 consecutive hours and shall begin as soon as the last animal in a consignment has entered the pen or enclosure where the resting is to take place and all the procedures, other than those which solely concern the care of the animals, the feeding and watering of the animals and the veterinary inspection for the purpose of ascertaining whether they are fit for transportation, in relation to every animal in the consignment, are completed. The removal of an animal from one pen to another in accordance with the provisions of Article 5(1)(l) and Article 6 shall not affect the calculation of the rest period.

Use of approved premises

5.—(1) Subject to paragraph (2), a person having the charge or control of any approved premises shall not use them or cause or permit them to be used unless during the whole of the rest period of any animals—

- (a) suitable, sufficient and clean bedding is provided;
- (b) an adequate supply of wholesome food is provided on the premises and is offered to the animals in accordance with the following provisions, namely—
 - (i) the food for sheep, goats or cattle (other than calves on a liquid diet and unweaned animals) shall be placed in racks or troughs which shall be easily accessible to the animals and by their number and dimensions shall be such as to enable all the animals to eat simultaneously;

- (ii) the food for swine (other than unweaned piglets) shall be placed in troughs which shall be easily accessible to the swine and by their number and dimensions shall be such as to enable all the swine to eat simultaneously;
- (c) there is provided on the premises suitable food for calves which are on a liquid diet together with suitable arrangements for preparing such food and for feeding such calves;
- (d) no milk other than milk reconstituted from dried milk is fed to the animals;
- (e) an adequate supply of wholesome water is provided on the premises in such a way as to make it easily accessible to the animals and enable not less than one-tenth of the number of each species of animal to which it is offered to drink simultaneously;
- (f) all animals, other than the animals which are being detained in accordance with the provisions of this Order or of a licence granted under Article 13, are excluded from the premises;
- (g) animals which are being detained on the premises are so accommodated as to ensure that they are not disturbed by the arrival or departure of animals in other consignments;
- (h) any pen or enclosure being used by the animals detained on the premises—
 - (i) is so constructed as to be suitable for the animals using it,
 - (ii) is capable of being cleansed and disinfected,
 - (iii) is so constructed and kept in such a condition as to prevent animals from slipping,
 - (iv) does not have any sharp edge or any projection which is likely to cause injury or unnecessary suffering to the animals,
 - (v) is of such dimensions as to enable all animals detained in it to have easy access to the food and water provided,
 - (vi) has sufficient space to enable the inspection of each animal detained in it,
 - (vii) does not contain any animals of different species at one time, and
 - (viii) does not at any time contain more than 30 cattle (other than calves), or 40 calves, or 40 swine, or 100 sheep or 100 goats;
- (i) any passageway used by the animals detained on the premises complies with the requirements of sub-paragraph (h)(i) to (iv) and is not used by animals of different species at one time;
- (j) animals where they are being detained in pens or enclosures are, having regard to their fitness and to any differences in their age and size, so contained and distributed within the pens or enclosures as to avoid unnecessary suffering through injury, overcrowding or any other cause;
- (k) animals are detained on the premises in accordance with the provisions of the Schedule;
- (l) an animal which is ailing or which is causing or is likely to cause any injury or unnecessary suffering to other animals is kept in isolation in a separate pen or enclosure provided on the premises;
- (m) animals in milk, unless suckling, are milked within 2 hours of their arrival at the approved premises and at intervals of not more than 12 hours thereafter, and suitable milking facilities are provided on the premises for this purpose;
- (n) permanent artificial lighting is installed capable of providing an illumination of not less than 50 lux to the exposed surfaces of any wall, partition or floor with which the animals have direct contact and an illumination of 100 lux in that part of the premises, pens or enclosures, where animals are inspected;

- (o) facilities are provided at the premises where the loading and unloading of animals and such facilities and arrangements for the loading and unloading of animals have been approved by a veterinary inspector;
- (p) an experienced and competent stockman is available to supervise the care and feeding and watering of the animals in accordance with the provisions of this Order;
- (q) all reasonable facilities and assistance are afforded to an inspector or to any constable for examination of the animals, and for the observation of their treatment during detention.

(2) Nothing in this Article shall require unweaned animals and calves which are on a liquid diet to be offered water. Nothing in paragraph (1)(b) shall prevent food being offered to the animals in such other way as may be specified in the approval of the premises, and nothing in paragraph (1)(d) shall prevent unweaned animals from being suckled by their dams.

Power to require isolation of animals

6. Where an animal which is being rested in a pen or enclosure on approved premises is ailing or is causing or is likely to cause any injury or unnecessary suffering to other animals, an inspector may require the person having the charge or control of the approved premises to keep that animal in isolation in a separate pen or enclosure provided on the premises.

Duty to provide information

7.—(1) A person having the charge or control of any approved premises shall—

- (a) subject to paragraph (2), notify to an inspector the anticipated time of arrival of any animals to be rested on the premises not more than seven days and not less than 24 hours before the anticipated time of arrival;
- (b) subject to paragraph (2), notify to an inspector the anticipated time of loading of animals into a vessel or aircraft not more than seven days and not less than 24 hours before the anticipated time of loading;
- (c) notify with all practicable speed to an inspector at the beginning of the rest period of any animals—
 - (i) the number of each species of animal in the consignment,
 - (ii) the time when the animals arrived, and
 - (iii) the time when the rest period began;
- (d) provide the officer of the Department who is present by virtue of Article 9(1)(i) with a signed statement that the animals in the consignment have been rested on the premises for the period specified in the statement and that they have been offered food and water during that period.

(2) Where a person having the charge or control of approved premises is, for reasons beyond his control, unable to give the 24 hours' notification required by sub-paragraphs (a) and (b), an inspector may modify that requirement so as to enable a shorter notification to be given.

Cleansing and disinfection

8.—(1) A person having the charge or control of any approved premises shall not use or cause or permit to be used any pen, enclosure, fitting, utensil or other thing on the premises in connection with the detention of any animals during their rest period unless such pen, enclosure, fitting, utensil or other thing has before each occasion on which it is so used been—

- (a) scraped and swept and any dung, litter or other matter removed from the premises or burnt; and

(b) thoroughly washed and scrubbed with water and thereafter thoroughly disinfected with an approved disinfectant and dried, allowed to dry or otherwise suitably prepared for the reception of animals.

(2) An inspector may serve a notice in writing on the person having the charge or control of any approved premises requiring him—

(i) to cleanse and disinfect the whole or any part of the premises or of any pen, enclosure, fitting, utensil or other thing in such manner as he may specify in the notice, and

(ii) to dispose of any dung, litter or other matter in such manner as he may specify in the notice.

(3) A person having the charge or control of any approved premises who is given notice in accordance with paragraph (2) shall not use or cause or permit to be used the premises or that part thereof which is specified in the notice or any pen, enclosure, fitting, utensil or other thing so specified in connection with the detention of animals during their rest period until the cleansing and disinfection required by the notice has been carried out to the satisfaction of an inspector.

Loading of animals for international transport

9.—(1) A person shall not load an animal or cause or permit an animal to be loaded for international transport unless—

(i) the loading takes place in the presence of an officer of the Department, and

(ii) the consignment is accompanied by a certificate signed by a veterinary inspector stating that he has inspected every animal in the consignment and found every animal fit for transportation.

(2) The certificate referred to in paragraph (1)(ii) shall state the date and time of inspection and shall cease to have effect on the expiry of 24 hours from the time stated in it.

(3) Nothing in this Article shall be construed as requiring a veterinary inspector or an officer of the Department to discharge any of his functions under it at an unreasonable hour of the day.

Animals unfit for transportation

10.—(1) Where a veterinary inspector is of the opinion that any animal required to be rested under this Order or in respect of which a licence has been granted under Article 13 is unfit for international transport or that the animal is likely to give birth during international transport, he may—

(a) place a mark on the animal and serve a notice in writing on the person having the charge or control of the animal or of the vehicle, vessel, aircraft or receptacle in which the animal is to be transported prohibiting the transportation of the animal, and where the animal is already loaded into a vehicle, vessel, aircraft or receptacle the notice may require the person on which it is served to unload the animal;

(b) serve a notice on the person having the charge or control of the animal or of the vehicle, vessel, aircraft or receptacle requiring him to have the animal rested or treated at such place and in such manner as he may specify in the notice. An animal required to be rested or treated shall not be moved from the place where it is being rested or treated unless such movement is authorised by the notice served under this sub-paragraph and is in accordance with the conditions, if any, specified in the notice.

(2) An animal to which this Article applies shall not be considered fit for international transport if it has given birth during the 48 hours before such transportation begins.

(3) A veterinary inspector may vary or withdraw a notice served under paragraph (1)(a) or (b) by a notice in writing served on the person on whom the notice to be varied or withdrawn was served.

Protection of animals during loading and unloading

11. A person shall not load an animal into or unload an animal from a vehicle, vessel, aircraft or receptacle by lifting the animal by the head, horns, legs, tail or fleece.

Prohibition of transportation of animals by sea or air during adverse weather

12. Animals which are required to be rested under this Order or in respect of which a licence has been granted under Article 13 shall not be transported by sea or air, if, in the judgment of the master of the vessel or the pilot of the aircraft, there are reasonable grounds for believing that, due to adverse weather conditions, the voyage or flight would be attended by serious risk of injury to, suffering by or loss of life among the animals.

Exemptions

13.—(1) The Department may issue a licence exempting from any of the provisions of this Order, other than the provisions of Articles 10, 11 and 12, any animals which the Department is satisfied are—

- (a) pedigree animals intended for breeding;
- (b) animals intended for breeding which are capable of imparting commercially valuable characteristics to their progeny;
- (c) companion animals; or
- (d) animals intended for exhibition or other special purpose.

(2) A licence shall not be granted under this Article unless the Department is satisfied that the animals are unlikely to be exposed to unnecessary suffering as a result of the exemption.

(3) The Department may grant a licence under this Article subject to such conditions as appear to the Department to be required in order to prevent any unnecessary suffering to the animals.

(4) A person wishing to obtain a licence under this Article shall make an application to the Department in such form and manner and within such time as the Department may require and shall provide the Department with the following information—

- (a) the information required to be provided under paragraph (3) of Article 3 except the information required under sub-paragraph (c) of that paragraph;
- (b) the address of the premises where the animals are or will be immediately before they are loaded for international transport; and
- (c) the purpose for which the animals are to be exported.

(5) The Department may vary, revoke or suspend a licence granted under this Article by notice in writing served on the person to whom the licence was granted.

Production of licences

14.—(1) Any approval, licence, notice or certificate granted, served or issued under this Order shall, on demand, be produced to an officer of the Department, a Commissioner of Customs and Excise or a constable and the officer, the Commissioner of Customs and Excise or the constable, as the case may be, may take copies of or extracts from any document so produced.

(2) Any licence granted under this Order or certificate issued under Article 9(1)(ii) shall be produced to the master of the vessel or pilot of the aircraft in which the animals to which the licence or certificate relates are to be transported.

Status: *This is the original version (as it was originally made). Northern Ireland Statutory Rules are not carried in their revised form on this site.*

Sealed with the Official Seal of the Department of Agriculture on 30th September 1996.

Evelyn Cummins
Assistant Secretary

SCHEDULE

Article 5(1)(k)

Separation of animals during the rest period

1. An animal of one of the following descriptions shall be kept separate from any other animal, that is to say—
 - (a) a bull over 10 months of age;
 - (b) a cow when accompanied by a calf or calves it is suckling;
 - (c) a boar over 6 months of age;
 - (d) a sow when accompanied by unweaned piglets;
 - (e) a male goat over 6 months of age;
 - (f) a female goat when accompanied by unweaned kids.
2. Animals of any one of the following descriptions may be kept together but shall be kept separate from any other animal, that is to say—
 - (a) bulls over 10 months of age if they are all secured by the head or neck;
 - (b) bulls under 15 months of age which have been reared together and which are not intended for breeding;
 - (c) horned cattle;
 - (d) cattle without horns;
 - (e) horned cattle and cattle without horns if they are all secured by the head or neck;
 - (f) calves;
 - (g) ewes when accompanied by unweaned lambs;
 - (h) other sheep;
 - (i) weaned piglets under 3 months of age;
 - (j) other swine;
 - (k) male goats over 6 months of age if they are all secured by the head or neck;
 - (l) horned goats;
 - (m) goats without horns;
 - (n) horned goats and goats without horns if they are all secured by the head or neck.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order prohibits the export of farm animals from Northern Ireland to any place outside Great Britain, the Channel Islands, the Isle of Man or another member State of the European Union unless they are rested at approved premises for at least 10 hours before they are exported (Articles 3 and 4). The Order requires the provision of adequate and accessible food, water, shelter and bedding and limits the number of each species of animal which may be put at one time into any one pen or enclosure on approved premises (Article 5).

It enables an inspector to require the isolation at the approved premises of animals which are ailing or are causing or are likely to cause injury or unnecessary suffering to other animals (Article 6), imposes a duty upon the person in charge of approved premises to provide information to an inspector (Article 7) and provides for the cleansing and disinfection of pens etc, at the approved premises (Article 8).

It further provides that animals may not be loaded for international transport unless such loading takes place in the presence of an officer of the Department and a veterinary inspector has certified that he has examined the animals and found them to be fit for transportation (Article 9). The Order also empowers an inspector to prohibit the transportation of unfit animals or to require the resting or treatment of such an animal (Article 10). The transportation of animals by sea or by air is also prohibited when the master of a vessel or pilot of an aircraft anticipates adverse weather conditions (Article 12).

The Department is empowered to grant a licence exempting certain categories of animals from any of the provisions of the Order other than the provisions of Articles 10, 11 and 12 (Article 13).

Any person who without lawful authority, or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalties for such an offence are, on summary conviction, a fine not exceeding level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 animals, not exceeding level 3 on the standard scale (currently £1,000) for each animal.