
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 346

ANIMALS

Welfare of Animals (Transport) Order (Northern Ireland) 1997

Made - - - - *25th July 1997*

Coming into operation *1st September 1997*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1)(k), 19(b), (c), (e), (i) and (j), 21, 23, 23A(1) and (2)(1), 44 and 60(1)(2) of the Diseases of Animals (Northern Ireland) Order 1981(3) 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 Welfare of Animals (Transport) Order (Northern Ireland) 1997 and shall come into operation on 1st September 1997.

Interpretation

2.—(1) In this Order—

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981;

“animal” includes bird;

“attendant” means a person accompanying the animal who has been appointed to take charge of it and may include the driver of a vehicle, the guard of a train and a member of the crew of a vessel or aircraft;

“calves” means cattle under six months old;

“cattle” means all domestic animals of the bovine species;

“commercial” includes trade or business;

“Community” means the European Community;

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

“goats” means all domestic animals of the caprine species;

“horse” means a horse, pony, ass, hinny or mule;

(1) As inserted by S.I.1984/702 (N.I. 2) Article 17(4)

(2) As substituted by S.I. 1994/1891 (N.I. 6) Article 23(1)

(3) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17(3) and S.I. 1994/1891 (N.I. 6) Articles 23(1) and (2) and 24(1) and Schedule and modified by S.R. 1994 No. 161 Article 4

- “journey” means transport from the place of departure to the place of destination;
- “livestock” means horses, cattle, sheep, goats, deer, all other ruminating animals and swine;
- “means of transport” means those parts (including detachable parts) of road vehicles, rail wagons, vessels and aircraft used for loading and carrying animals;
- “partition” includes the wall of any pen;
- “pen” includes box or stall, and when used in connection with a means of transport or receptacle, means any division or subdivision by partition of that part of the means of transport or receptacle which is used for the transport of animals;
- “pigs” means all domestic animals of the porcine species;
- “place of departure” means, subject to paragraph (2), the place at which the animal is first loaded onto a means of transport, or any place where the animals have been unloaded and accommodated for 24 hours or more, watered, fed and, if necessary, cared for, but excluding any stopping point or transfer point;
- “place of destination” means the place at which an animal is finally unloaded from a means of transport, but excluding a stopping point or a transfer point;
- “poultry and domestic birds” means—
- (a) domestic fowl;
 - (b) domestic breeds of turkeys, guinea fowl, ducks, geese and quails; and
 - (c) pheasants and partridges;
- “rail wagon” excludes rolling stock in which passengers are being carried;
- “ramp” includes the door of a vehicle or rail wagon which is used as a loading ramp and also includes any loading bridge or gangway;
- “receptacle” means any crate, box or other rigid container used for the transport of animals which is not self-propelled and does not form a part (whether detachable or not) of a means of transport;
- “rest period” means a continuous period in the course of a journey during which animals are not being moved by a means of transport;
- “sheep” means all domestic animals of the ovine species;
- “stopping point” means a place where animals are rested in the course of a journey;
- “transfer point” means a place where transport is interrupted in order to transfer animals from one means of transport to another;
- “transport” means any movement of animals, effected by a means of transport, and includes loading and unloading the animals;
- “transporter” means any person transporting animals—
- (a) on his own account; or
 - (b) for the account of a third party; or
 - (c) by providing a third party with a means of transport of animals,
- where such transport is of a commercial nature and is carried out for the purpose of gain;
- “vehicle” means any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road;
- “vessel” includes hovercraft; and
- “water” in relation to an animal means the provision of any liquid suitable for that animal in such manner as that animal may require.

(2) Markets and assembly centres approved for the purposes of intra-Area trade under Council Directive 64/432/EEC(4) (on animal health problems affecting intra-Community trade in bovine animals and swine) or Council Directive 91/68/EEC(5) (on animal health conditions governing intra-Community trade in ovine and caprine animals) may also be regarded as places of departure—

- (a) where the first place of loading of the animals is 50 kilometres or less from such markets or assembly centres;
- (b) where, although the distance referred to in sub-paragraph (a) is over 50 kilometres, the animals have had a rest period of at least 12 hours and have been provided with an adequate quantity of water and an adequate quantity of suitable food before being reloaded.

(3) Any licence or certificate granted or notice served under this Order may be subject to conditions and may be amended, suspended or revoked by a further licence, certificate or notice at any time.

(4) Any reference in this Order to a Community instrument is a reference to that instrument as in force at the commencement of this Order.

Application

3.—(1) This Order (except as provided for in paragraph (3)) shall not apply—

- (a) to transport which is not of a commercial nature;
- (b) to the transport of an individual animal where each animal is accompanied by a person who has responsibility for it during transport; and
- (c) subject to sub-paragraph (a), to the transport of pet animals accompanying their owner.

(2) For the purposes of paragraph (1)(b), “person” shall not include a body corporate.

(3) Articles 4(1) and 10 shall apply to the transport of all animals and Article 6 insofar as it relates to horses, cattle, sheep, goats and pigs shall apply to all transport of such animals.

General provisions on the protection of animals during transport

4.—(1) A person shall not transport any animal in a way which causes or is likely to cause injury or unnecessary suffering to that animal.

(2) Without prejudice to the generality of paragraph (1), a master of a vessel shall not transport any animal by sea, and a commander of an aircraft shall not transport any animal by air, if in his judgement the animal is likely to be caused injury or unnecessary suffering in the course of the transport due to adverse weather, sea or air conditions likely to be encountered during the voyage or flight.

(3) Any person transporting horses, cattle, sheep, goats or pigs shall do so in accordance with Schedule 1 and Schedule 2.

(4) Any person transporting poultry and domestic birds or domestic rabbits shall do so in accordance with Schedule 1 and Schedule 3.

(5) Any person transporting domestic dogs or domestic cats shall do so in accordance with Schedule 1 and Schedule 4.

(6) Any person transporting mammals or birds other than those mentioned in the preceding paragraphs shall do so in accordance with Schedule 1 and Schedule 5.

(7) Any person transporting other vertebrate animals or cold-blooded animals not mentioned in the preceding paragraphs, shall do so in accordance with the provisions of Schedule 6.

(4) O.J. No. L121, 29.7.64 (Special Edition 1963-64, p. 164) as amended and updated by Council Directive 97/12/EC (O.J. No. L109, 25.4.97, p. 1)

(5) O.J. No. L46, 19.2.91, p. 19

Space allowance

5.—(1) Without prejudice to the generality of Article 4(1), a person shall not transport any animal on a journey of over 50 kilometres in a way which is likely to cause injury or unnecessary suffering because of the amount of space available to each animal.

(2) In deciding whether or not the space available is adequate, a transporter shall—

- (a) have regard to the limits set out in Chapter VI of Council Directive [91/628/EEC](#) (on the protection of animals during transport and amending Directives [90/425/EEC](#) and [91/496/EEC](#)(6)); and
- (b) consider the animals' weight, size, physical condition and temperament, the means of transport, the weather and road conditions and the likely journey time.

Fitness of animals to travel

6.—(1) A person shall not transport any animal unless—

- (a) it is fit for the journey intended to be effected by a means of transport; and
- (b) suitable provision has been made for its care during the journey and on arrival at the place of destination.

(2) Without prejudice to the generality of paragraph (1), for the purposes of this Article an animal shall not be considered fit for a journey intended to be effected by a means of transport (including the intended method of loading and unloading) if that animal is ill, injured, infirm or fatigued, unless it is only slightly ill, injured, infirm or fatigued and the journey intended to be so effected is not likely to cause it unnecessary suffering.

(3) For the purposes of this Article mammals shall not be considered fit for their intended journey if they—

- (a) are likely to give birth during transport;
- (b) are new-born animals in which the navel has not completely healed; or
- (c) have given birth during the preceding 48 hours.

(4) For the purposes of this Article, infant mammals and infant birds (other than horses, cattle, sheep, goats, pigs, poultry and domestic birds, domestic rabbits, domestic dogs and domestic cats) which are not accompanied by their mother shall not be considered fit for their intended journey if they are incapable of feeding themselves.

(5) Notwithstanding the provisions of paragraphs (1), (2), (3) and (4), an animal may be transported while undergoing regulated procedures authorised under the Animals (Scientific Procedures) Act 1986(7) provided that it is not likely to be caused injury or unnecessary suffering by the intended journey.

(6) Notwithstanding the provisions of paragraphs (1) and (2), horses, cattle, sheep, goats and pigs may be transported to the nearest available place for veterinary treatment or diagnosis, or to the nearest available place of slaughter if the animal is not likely to be subject to unnecessary suffering by reason of its unfitness.

(7) An animal to which paragraph (6) applies shall not be dragged or pushed by any means, or lifted by a mechanical device, unless such dragging, lifting or pushing is done in the presence of and under the supervision of a veterinary surgeon who is arranging for it to be transported with all practicable speed to a place for veterinary treatment.

(6) O.J. No. L340, 11.12.91, p. 17 as amended by Council Directive [95/29/EC](#) (O.J. No. L148, 30.6.95, p. 52)

(7) [1986 c. 14](#)

(8) A person shall not transport or cause or permit a deer in velvet to be transported unless the journey is of 50 kilometres or less and special precautions are taken to protect it from injury or unnecessary suffering.

Treatment of sick animals

7.—(1) Where an animal falls ill or is injured during transport, the person in charge of that animal shall ensure that it receives first-aid treatment as soon as possible; is given appropriate veterinary treatment and, if necessary, slaughtered in a way which does not involve unnecessary suffering.

(2) Without prejudice to the generality of paragraph (1), where an animal which is being transported by sea or air falls ill or is injured during the voyage or flight, the master of the vessel or the commander of the aircraft shall, if he considers it necessary and having regard to the availability of appropriate veterinary treatment or of landing the animal without causing it unnecessary suffering, cause it to be slaughtered in a way which does not involve unnecessary suffering.

Feeding and watering, travelling times and rest periods

8.—(1) A person shall not transport animals unless, at an appropriate time before the journey begins, and as appropriate to the species, the animals are accommodated in a place which is not a means of transport, offered water and food and, if necessary, cared for.

(2) In the case of horses (except registered horses within the meaning of Council Directive [90/426/EEC](#) on animal health conditions governing the movement and import from third countries of equidae⁽⁸⁾), cattle, sheep, goats and pigs, the transporter shall ensure that they are rested, and offered water and food during a journey at least in accordance with Schedule 7.

(3) In the case of poultry and domestic birds and domestic rabbits, the transporter shall ensure that during a journey suitable food and water is available, in suitable quantities and at suitable intervals, save in the case of—

- (a) a journey lasting less than 12 hours, disregarding loading and unloading times; or
- (b) a journey lasting less than 24 hours for chicks of all species, provided that it is completed within 72 hours after hatching.

(4) In the case of domestic dogs and domestic cats, the transporter shall ensure that during a journey they are fed at intervals of not more than 24 hours and given water at intervals of not more than 12 hours and that clear written instructions about feeding and watering accompany the animals.

(5) In the case of other mammals and birds, the transporter shall ensure that they are suitably fed and watered, at appropriate intervals during a journey, and that clear written instructions about feeding and watering and any special care required accompany the animals and that these instructions are complied with.

(6) Nothing in this Article or Schedule 7 shall require the unloading of any animal which normally lives on its means of transport.

(7) In this Article, in relation to the transport of registered equidae, it shall be for the transporter to prove that the animals being transported are registered in accordance with Council Directive [90/426/EEC](#).

(8) The provisions of this Article and of Schedule 7 shall not apply to animals or poultry which are being transported by air.

(8) O.J. No. L224, 18.8.90, p. 42 to which there are amendments not relevant to this Order

Accompaniment of vertebrate animals by competent persons

9.—(1) Any transporter who is transporting vertebrate animals on a journey of over 50 kilometres shall ensure that the animals are accompanied throughout the journey by at least one competent person.

(2) In this Article a competent person is a person who—

- (a) has either specific training or equivalent practical experience qualifying him to handle and transport vertebrate animals and to administer, if necessary, appropriate care; and
- (b) has sufficient knowledge of and abilities in the matters set out in Schedule 8 to enable him to safeguard the welfare of the animals being transported.

(3) Paragraphs (4) to (6) shall apply only in relation to a journey beginning after 1st September 1998 which involves the transport of cattle, sheep, pigs, goats or horses either in a vehicle for a journey lasting eight hours or more or by another means of transport irrespective of the length of the journey.

(4) In the case of a person who has specific training, that person shall have a qualification relating to the welfare of animals during transport approved by the Department.

(5) In the case of a person who has practical experience equivalent to specific training, that person shall have been assessed, using a method approved by the Department, to ensure that that person has the necessary ability, competence and knowledge qualifying him to handle and transport and, if necessary, administer appropriate care to the animals being transported, and the result of that assessment shall be recorded in writing and a copy given to the person who has been assessed.

(6) The transporter shall keep a copy of the record of the assessment carried out under paragraph (5) throughout the time that that person is engaged by him on journeys accompanying animals, and for a period of six months thereafter and shall produce it on demand to an inspector.

(7) In the case of a transporter authorised in another member State, it shall be sufficient that the person accompanying the animals has satisfied the requirements on competence of that member State.

Duties on transporters

10.—(1) Any person transporting animals shall—

- (a) ensure that the animals are transported without delay to their place of destination; and
- (b) not leave them at any place unless there is a person there to take charge of them.

(2) In the case of animals which are to be transported in a receptacle, any person in charge of the animals shall ensure that they are not caused injury or unnecessary suffering while they are in the receptacle either waiting to be loaded on to the means of transport or after they have been unloaded.

International standards and guidelines

11.—(1) A person shall not transport an animal by air except in compliance with the standards set by the International Air Transport Association (IATA)(9).

(2) A person shall not transport an animal to which the Convention on International Trade in Endangered Species (CITES)(10) refers except in compliance with the CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with the standards set by the International Air Transport Association.

(9) Published by the International Air Transport Association, 2000 Peel Street, Montreal, Quebec, Canada H3A 2R4

(10) Copies of CITES can be obtained from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 2DJ

Licences and registration

12.—(1) A person shall not transport vertebrate animals by sea or by air or by any other means of transport involving a journey over 50 kilometres except under—

- (a) in the case of a transporter established in Northern Ireland, a licence granted under this Article by the Department; or
 - (b) in the case of a transporter established in Great Britain, the Isle of Man or the Channel Islands, a licence to transport animals granted by the appropriate competent authority;
 - (c) in the case of a transporter established in another member State, an equivalent licence to transport animals granted by the competent authority of the member State of establishment for the purposes of implementing Council Directive [91/628/EEC](#); or
 - (d) in the case of a transporter established in a third country, a licence to transport animals granted by the competent authority of a member State of the European Union for the purposes of implementing Council Directive [91/628/EEC](#).
- (2) A licence granted by the Department under this Article—
- (a) shall be in writing;
 - (b) may be general or (after 1st December 1997), specific.

(3) The provisions of Schedule 9 relating to licences shall have effect.

(4) In the case of a transporter established outside the United Kingdom, if the Department is satisfied that serious or repeated infringements have taken place against this Order or against any legislation implementing Council Directive [91/628/EEC](#) in any part of the United Kingdom or in another member State, provided that all the possibilities afforded by mutual recognition referred to in that Directive have been exhausted and after contacts between the parties and the Commission, the Department may, by notice in writing served on the transporter, temporarily prohibit the transporter from transporting vertebrate animals in Northern Ireland.

(5) Any person requiring a specific licence under this Order shall register as a transporter with the Department.

(6) The Department shall keep a register of persons who have been granted a specific licence in accordance with paragraph (5).

(7) A person on whom a notice has been served under this Article shall comply with it.

Route plans

13.—(1) This Article shall apply in relation to horses (other than registered horses within the meaning of Council Directive [90/426/EEC](#)), cattle, sheep, goats and pigs, where the animals are transported between member States or exported to third countries, provided that the journey time exceeds eight hours.

(2) If there is more than one transporter involved in a journey, the provisions of this Article shall be complied with by the person consigning the animals for the whole period of the journey.

(3) A transporter who intends to transport animals on a journey to which this Article applies shall draw up and sign a route plan containing the information set out in Schedule 10 which covers the whole period of the journey.

(4) The transporter shall submit the signed route plan to the Divisional Veterinary Officer for the area in which the journey will begin.

(5) If the Divisional Veterinary Officer mentioned in paragraph (4) is satisfied that the proposed journey is in compliance with the provisions of this Order, he shall mark on the route plan the numbers of the export health certificates of the animals, stamp the route plan and return it to the transporter.

(6) A person shall not transport animals on a journey to which this Article applies unless he has received from the Divisional Veterinary Officer mentioned in paragraph (4) a duly stamped route plan which relates to those animals and that journey.

(7) The transporter shall ensure that the original copy of the route plan is attached to the export health certificate and accompanies the consignment throughout the journey.

(8) The transporter shall ensure that, where in relation to an animal the journey exceeds the appropriate time limits set out in Schedule 7, that transport of the animals is not begun unless—

- (a) where necessary, reservations have been made at all stopping points or transfer points specified in the route plan, and he has received written confirmation of the reservations; and
- (b) steps have been taken to meet the animals' need for food and water during the journey, including contingency plans for when the route plan is changed or where the journey is interrupted for reasons beyond his control.

(9) The transporter shall ensure that the person in charge of the animals during the journey endorses on the route plan the times and places at which the animals transported are fed and watered during the journey, and that this information is written on the route plan at the times such feeding and watering takes place.

(10) Both the transporter and the person in charge of the animals during the journey shall take all reasonable steps to ensure that the route plan is complied with.

(11) When the journey is completed, the person who signed the route plan when it was originally submitted to the Divisional Veterinary Officer in accordance with paragraph (4) shall either—

- (a) certify in writing on the route plan that it was complied with during the journey; or
- (b) if it was not complied with, shall describe on the route plan the actual journey, together with the reasons for the route plan not being complied with,

and shall send it within 15 days of completion of the journey to the Divisional Veterinary Officer referred to in paragraph (4), and shall keep proof that it was sent and of the date on which it was sent for a period of six months.

(12) The transporter shall keep a copy of the route plan for a period of six months from completion of the journey, and shall produce it at the request of an inspector and allow copies to be taken.

(13) In the case of exports directly to third countries from Northern Ireland, where the journey time within the European Union exceeds eight hours, or where the animals are being exported to third countries by sea and the total travelling time exceeds eight hours, the transporter shall—

- (a) ensure that the route plan is certified (by means of stamp and signature) at the point of departure from Northern Ireland, by a veterinary inspector after he has checked that the animals are fit to continue their journey; and
- (b) within 15 days of the completion of the journey, send back the route plan to the Divisional Veterinary Officer referred to in paragraph (4).

(14) If a transporter is a limited company, the route plan shall be signed by a director of that company or a person previously nominated by him in writing to act on behalf of the company.

(15) In this Article, in relation to the transport of registered horses, it shall be for the transporter to prove that the animals being transported are registered in accordance with Council Directive [90/426/EEC](#).

Animal transport certificate

14.—(1) A transporter shall ensure that, except where a route plan is required, all animals which he is transporting are accompanied throughout the journey (subject to the provisions of Part II of Schedule 7 relating to markets) by documentation stating—

- (a) the name and address of the transporter;
 - (b) the name and address of the owner of the animals;
 - (c) the place that the animals were loaded, and their final destination;
 - (d) the date and time the first animal was loaded;
 - (e) the date and time of departure; and
 - (f) the time and place where the requirements for resting periods laid down in Schedule 7 were met.
- (2) The provisions of paragraph (1) shall not apply in relation to the transport of poultry and domestic birds for a distance of 50 kilometres or less where—
- (a) the number of poultry and domestic birds so transported is less than 50; or
 - (b) the entire journey is on land occupied by the owner of the poultry and domestic birds.
- (3) In the case of animals other than horses, cattle, sheep, goats, pigs or poultry and domestic birds, the provisions in paragraph (1) shall not apply in relation to journeys of 50 kilometres or less.
- (4) The transporter shall keep a copy of the documentation for a period of six months from completion of the journey, and shall produce it at the request of an inspector and allow copies to be taken.
- (5) Where a copy of the documentation required to be kept in accordance with paragraph (4) is kept in electronic or magnetic form, references in that paragraph—
- (a) to production of the copy are, if the inspector so requires, references to its production in a written form; and
 - (b) to allowing copies to be taken are references to the taking thereof in a written form.

Exceptions

15.—(1) Subject to Article 4(1), where horses, cattle, sheep, goats or pigs are transported—

- (a) for a distance of 50 kilometres or less, to and from or within land used for agricultural purposes;
- (b) in a vehicle which has an internal length of not more than 3.7 metres available for the carriage of animals,

then the following provisions shall not apply—

- (i) Article 14;
- (ii) paragraph 5 of Part I of Schedule 2 (provision of barriers or straps); and
- (iii) paragraph 11 of Part II of Schedule 2 (internal ramps and lifting gear).

(2) In this Article “land used for agricultural purposes” shall not include a slaughterhouse, market or saleyard.

Third countries

16.—(1) A person shall not import any animal from outside the European Union into Northern Ireland, either for consignment to a destination in Northern Ireland or transit through Northern Ireland, unless he has given a written undertaking to the Department to comply with the requirements of Council Directive [91/628/EEC](#) and has made arrangements to comply with them.

(2) A person shall not transport vertebrate animals from Northern Ireland to a destination outside the European Union unless the person in charge of the transport undertaking has first signed and dated an undertaking in the form set out in Schedule 11 (which, after it has been made, shall remain valid for all such journeys).

Powers of an inspector

17.—(1) Where an inspector considers that animals are being transported, or are about to be transported, in a way which is likely to cause injury or unnecessary suffering or in any other way in contravention of this Order, he may serve a notice on the person appearing to him to be in charge of the animals requiring that person to take any action necessary to ensure compliance with this Order, giving reasons for the requirements.

- (2) Without prejudice to the generality of paragraph (1), an inspector may in particular—
- (a) prohibit the transport of the animals, either indefinitely or for a period specified in the notice;
 - (b) specify conditions under which the animals may be transported;
 - (c) require the journey to be completed or the animals to be returned to their place of departure by the most direct route, provided that this course of action would not cause unnecessary suffering to the animals;
 - (d) require the animals to be held in suitable accommodation with appropriate care until the problem is resolved; or
 - (e) require the humane slaughter of the animals.

(3) A person on whom a notice has been served under this Article shall comply with it.

(4) In deciding whether or not to serve a notice under this Article, an inspector may take into account any previous failure to comply with any provision of this Order or of any other Order made under Article 21, 23 or 23A of the 1981 Order and, in particular, any failure to submit a completed and correct route plan at the end of any previous journey.

Production of plans

- 18.—(1) The owner or charterer of any vessel to be used for the transport of animals shall—
- (a) produce to an inspector, on demand, such plans of the vessel (including details of its ventilation and any fittings for livestock); and
 - (b) subject to paragraph (2), provide such information concerning the vessel,

as the inspector considers necessary to enable him to ascertain whether the provisions of this Order will be complied with during the proposed journey.

(2) A person shall not be obliged, by virtue of paragraph (1), to provide any information which he can not, with the exercise of reasonable diligence, obtain.

Revocations

19. The Orders specified in Schedule 12 are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on

25th July 1997.

P. T. Toal
Assistant Secretary

SCHEDULE 1

Article 4(3) to (6)

Part I

General requirements for the construction and maintenance of means of transport and receptacles for all mammals and birds

Avoidance of injury and suffering

1. Means of transport, receptacles and their fittings shall be constructed, maintained and operated so as to avoid injury and unnecessary suffering and to ensure the safety of the animals during transport, loading and unloading.

Substantial construction

2.—(1) Every part or fitting of a means of transport or receptacle which may be exposed to the action of the weather or the sea shall be constructed, maintained and operated so as to withstand the action of the weather or the sea.

(2) Every part or fitting of a means of transport or receptacle that animals may be thrown against during transport shall be constructed, maintained and operated so as to withstand the weight of any animal which may be thrown against it.

Size and height

3. The accommodation available for the carriage of animals shall be such that the animals are, unless it is unnecessary having regard to the species of animal and the nature of the journey and, unless that it would lead to risk of injury or harm, provided with adequate space to lie down.

Floors

4. Any floor on which animals stand or walk during loading, unloading or transport shall be—
- (a) sufficiently strong to bear their weight;
 - (b) constructed, maintained and operated to prevent slipping; and
 - (c) free of any protrusions, spaces or perforations which are likely to cause injury to animals.

Weather and sea conditions

5. Means of transport and receptacles shall be constructed, maintained and operated so as to protect animals against inclement weather, adverse sea conditions and marked fluctuations in air pressure, noxious gases and excessive humidity, heat or cold.

Projections and sharp edges

6. Means of transport and receptacles shall be free from any sharp edges and projections which are likely to cause injury or unnecessary suffering to any animal being carried.

Cleanliness

7. Means of transport and receptacles shall be constructed, maintained and operated to allow appropriate cleaning and disinfection.

Escape-proof

8. Means of transport and receptacles shall be escape-proof.

Noise and vibration

9. Means of transport and receptacles shall be constructed, maintained and operated to ensure that animals are not likely to be caused injury or unnecessary suffering from undue exposure to noise or vibration.

Lighting

10.—(1) Means of transport and receptacles shall have sufficient natural or artificial lighting to enable the proper care and inspection of any animal being carried.

(2) Passageways, ramps and other loading equipment shall be provided with adequate natural or artificial lighting to enable the animals to be loaded or unloaded safely.

(3) Artificial lighting required by this paragraph may be provided using a portable light.

Electrical fittings

11. All electrical fittings and wiring in those parts of a means of transport or receptacle to which animals have access shall be so positioned or protected as to prevent injury or suffering to any animal.

Use of partitions

12.—(1) Partitions shall be used if they are necessary—

- (a) to provide adequate support for animals; or
- (b) to prevent animals being thrown about during transport.

(2) When partitions are used, they shall be positioned—

- (a) so as to prevent injury or unnecessary suffering to animals as a result of—
 - (i) overcrowding;
 - (ii) lack of support; or
 - (iii) being thrown about during transport; and
- (b) so that the animals are in sufficiently small groups to allow them to be properly inspected and cared for.

Design of partitions

13. Partitions shall be—

- (a) of rigid construction;
- (b) strong enough to withstand the weight of any animal which may be thrown against them;
- (c) constructed and positioned so that there are no gaps which are likely to result in injury or unnecessary suffering to the animals;
- (d) of a height appropriate to the species; and
- (e) constructed and positioned so that they do not interfere with ventilation.

Special provisions for rail wagons

14. Any rail wagon used in the transport of animals shall be marked with a symbol indicating the presence of live animals.

15. Any rail wagon in which animals are carried shall be—

- (a) equipped with a roof ensuring effective protection against the weather;
- (b) capable of travelling at a high speed; and
- (c) provided with sufficiently large air vents or a ventilation system which is effective even at low speeds.

16. The inside walls of any rail wagon used for the carriage of animals (other than in receptacles) shall be of a suitable material, completely smooth and shall have, if necessary, means for tying the animals to the walls.

Special provisions for transport by water or air

17. Animals being transported by water or air shall—

- (a) be accommodated in suitable pens or receptacles unless they are in a vehicle or rail wagon on board a vessel or aircraft; and
- (b) where necessary, be secured to protect them against injury from the motion of the vessel or aircraft.

Additional provisions for transport by water

18. There shall be adequate passageways on a vessel providing access to all pens, receptacles, vehicles or rail wagons in which animals are accommodated.

19. All parts of a vessel in which animals are accommodated shall be provided with adequate drainage and kept in a sanitary condition.

20.—(1) Enclosed decks in which animals are transported (whether in vehicles or otherwise) shall be provided with an adequate means of mechanical ventilation.

(2) Vehicles in which animals are being transported in an enclosed deck shall, where possible, be placed near a fresh air inlet.

(3) Where animals are transported in rail wagons on board vessels, adequate ventilation shall be provided for the animals throughout the voyage.

21. Where animals are transported by water, there shall be provision for the isolation of ill or injured animals during the voyage and for first aid treatment to be given when necessary.

22. Where animals are transported in vehicles on board vessels—

- (a) the animals' compartment shall be properly fixed to the vehicle;
- (b) the vehicle and the animals' compartment shall be equipped with tying facilities enabling them to be adequately secured to the vessel;
- (c) the animals' compartment shall have a sufficient number of vents or other means of ensuring it is adequately ventilated bearing in mind that the air flow is restricted in the confined space of the vessels' vehicle deck;
- (d) there shall be sufficient room inside the animals' compartment (at each of its levels) to ensure that there is adequate ventilation and sufficient air space to allow the air to circulate properly; and

- (e) direct access shall be provided to each part of the animals' compartment so that the animals can, if necessary, be cared for, fed and watered during the voyage.

Part II

General provisions for the transport of all mammals and birds

Jolting

- 23. Animals shall not be transported in such a way that they are severely jolted or shaken.

Loading and unloading

24. Animals shall be loaded and unloaded in such a way as to ensure that they are not caused injury or unnecessary suffering by reason of—

- (a) the excessive use of anything used for driving animals;
- (b) contact with any part of the means of transport or receptacle or with any other obstruction.

Emergency unloading equipment

25. Unless an animal can be loaded and unloaded in accordance with the provisions of paragraph 10(7) or (8) of Part II of Schedule 2, a vehicle shall, at all times, carry the means to enable the animals to be unloaded without causing them injury or unnecessary suffering at a place where there is no other unloading equipment.

Segregation of animals and goods

26.—(1) Goods which are being transported in the same means of transport as animals shall be positioned so that they do not cause injury or unnecessary suffering to the animals and in particular, goods which could prejudice the welfare of animals shall not be carried in pens or receptacles in which animals are transported.

(2) A carcase shall not be carried in the same vehicle, receptacle, rail wagon or pen as an animal, other than the carcase of an animal which dies in the course of a journey.

Disposal of waste

27. Dead animals, soiled litter and droppings shall be removed from a means of transport or receptacle as soon as possible.

Litter

28.—(1) Floors on which animals are transported shall be covered with sufficient litter to absorb urine and droppings unless equally effective alternative arrangements are in place or unless urine and droppings are regularly removed.

(2) If a receptacle in which animals are transported is placed on top of another receptacle containing animals, precautions shall be taken to prevent urine or droppings from falling on to the animals in the lower receptacle.

Labelling of receptacles

- 29. Receptacles in which animals are transported shall—

- (a) be marked or labelled so as to indicate that they contain live animals and the species of those animals;
- (b) be marked with a sign indicating the receptacle's upright position; and
- (c) be kept in an upright position.

Securing of receptacles

30. Receptacles in which animals are transported shall be secured so as to prevent their displacement during transport.

Humane slaughter on vessels and aircraft

31. Vessels and aircraft on which animals are transported shall carry appropriate means for effecting, where necessary, the humane slaughter of the species of animal being transported.

Attendants

32.—(1) In order to ensure the necessary care of the animals during transport, consignments of animals shall be accompanied by a sufficient number of attendants, taking into account the number of animals transported and the duration of the journey.

(2) At least one attendant shall accompany the animals except in the following cases where—

- (a) animals are transported in receptacles which are secured, adequately ventilated and, where necessary, contain enough food and water, in dispensers which cannot be tipped over, for a journey of twice the anticipated time;
- (b) the transporter performs the function of attendant; or
- (c) the consignor has appointed an agent to care for the animals at appropriate stopping or transfer points.

SCHEDULE 2

Articles 4(3) and 15(1)

Part I

Additional requirements for the construction and maintenance of means of transport and receptacles for cattle, sheep, pigs, goats and horses

Size and height

1.—(1) The accommodation available for the carriage of animals shall be such that all animals are provided with adequate space to stand in their natural position.

(2) It shall be sufficient compliance with sub-paragraph (1) if in a vehicle, or a receptacle being transported on a vehicle, the length of the space for the carriage of animals exceeds—

- (a) 2.5m where the animals being carried are calves;
- (b) 3.1m where the animals being carried are sheep, swine or goats; or
- (c) 3.7m where the animals being carried are horses or cattle (other than calves),

there are fitted in that vehicle or receptacle such partitions specified in sub-paragraph (3) as are necessary to form for those animals a pen or pens not exceeding in length 2.5m, 3.1m or 3.7m respectively.

(3) Where a partition in a vehicle or receptacle is used to separate animals being carried therein in accordance with sub-paragraph (2), it shall, when fitted in position, be of a height of not less than—

- (a) 1.27m in the case of cattle (other than calves) and horses; and
- (b) 76cm in any other case.

Ventilation

2. Means of transport and receptacles shall be constructed, maintained, operated and positioned so as to provide appropriate ventilation and sufficient air space above the animals to allow air to circulate properly.

Inspection of interior of receptacles

3.—(1) Receptacles shall be constructed, maintained and positioned so that they allow for the inspection and care of the animals, including, if necessary, the feeding and watering of animals.

(2) Without prejudice to the generality of paragraph (1), receptacles carrying animals in an aircraft —

- (a) in the lower deck compartment, shall be constructed, maintained and positioned so that all the animals may be inspected and, if necessary, cared for when the aircraft is on the ground; and
- (b) in the main deck compartment, shall be constructed, maintained and positioned so as to provide access to every animal throughout the journey.

Special provisions for vehicles

4. Vehicles shall be equipped with a roof which ensures effective protection against the weather.

5. Vehicles shall be equipped, on each floor on which animals are carried (other than in receptacles), with barriers, or, in the case of a vehicle exclusively used for the transport of horses, with straps, so constructed and maintained as to prevent any animal from falling out of the vehicle when any door used for loading and unloading is not fully closed.

6.—(1) Every ramp which is carried on or forms part of a vehicle and which is used for the purpose of loading animals into or unloading animals out of that vehicle shall be fitted with suitable foot battens or some other means of affording a proper foothold to an animal which is using it and shall be constructed, maintained and operated—

- (a) to prevent slipping;
- (b) so that it is not too steep for the age and species of the animal being transported;
- (c) so that any step at the top or bottom of the ramp is not too high for the age and species of the animal being transported; and
- (d) so that any gap between the top of the ramp and the vehicle at the bottom of the ramp is not too wide for the age and species of the animal being transported.

(2) It shall be sufficient compliance with sub-paragraph (1)—

- (a) where animals other than pigs are using the ramp if—
 - (i) the gradient thereof is not steeper than a ratio of 4 in 7 when the vehicle is on level ground;
 - (ii) any step at the top of the ramp does not exceed 21cm in height; and
 - (iii) any gap between the top of the ramp and the vehicle or at the bottom of the ramp does not exceed 6cm in width; and

- (b) where pigs are using the ramp if—
- (i) the gradient thereof is not steeper than a ration of 1 in 2 when the vehicle is on level ground;
 - (ii) any step at the top of the ramp does not exceed 13cm in height; and
 - (iii) any gap between the top of the ramp and the vehicle or at the bottom of the ramp does not exceed 3cm in width.

(3) In this paragraph, a ramp shall be considered too steep, a step shall be considered too high and a gap shall be considered too wide, if animals using the ramp, step or gap are likely to be caused injury or unnecessary suffering by reason of the slope of the ramp, the height of the step or the width of the gap.

7. Vehicles (other than vehicles in which animals are being carried in receptacles) shall be constructed so that all the animals inside can be inspected from the outside, and for this purpose shall be provided with suitably arranged openings and footholds.

8. In the case of animals which are normally required to be tied, suitable provision shall be made so that animals may be tied to the interior of the vehicle.

Approval of receptacles and pens on vessels

9.—(1) In the case of journeys beginning in Northern Ireland, receptacles or pens used on an exposed deck shall be approved by the Department before the animals are loaded.

(2) The Department shall not approve such receptacles or pens unless it is satisfied that, having regard to the weather and sea conditions likely to be encountered during the voyage, the receptacle or pen provides adequate protection against the sea and weather.

Part II

Additional requirements for the transport of cattle, sheep, pigs, goats and horses

Loading equipment

10.—(1) Animals shall be loaded and unloaded in accordance with this paragraph.

(2) Save as provided in sub-paragraphs (6) and (7), animals shall be loaded and unloaded using suitable ramps or mechanical lifting gear—

- (a) which shall be free from any sharp edges and projections with which any animal may come into contact; and
- (b) which are operated so as to prevent injury or unnecessary suffering to any animal.

(3) The flooring of any loading equipment shall be constructed so as to prevent slipping.

(4) Subject to sub-paragraph (6), ramps and loading platforms shall be provided on each side with protection which is—

- (a) of sufficient strength, length and height to prevent any animal using the loading equipment from falling or escaping;
- (b) fitted in position so as to ensure that any gap between the bottom of the side protection and the surface of the ramp will not permit damage or injury to the limbs of any animal; and
- (c) secured in position so that it will not result in injury or unnecessary suffering to any animal.

(5) It shall be sufficient compliance with sub-paragraph (4)(a) if the protection mentioned in that sub-paragraph extends to a height of not less than 1.3m above the ramp.

- (6) Sub-paragraph (4) shall not apply to ramps used on a vehicle for loading horses if—
- (a) the vehicle has been specifically constructed for the carriage of horses; and
 - (b) loading and unloading is only effected by leading each horse into or out of the vehicle.

(7) An animal may be loaded or unloaded by means of manual lifting or carrying if the animal is of a size that it can easily be lifted by not more than two persons and the loading is carried out without causing injury or unnecessary suffering to the animal.

(8) An animal may be loaded or unloaded without equipment or by manual lifting or carrying provided that, having regard to the age, height and species of the animal, it is unlikely to be caused injury or unnecessary suffering by being loaded or unloaded in this manner.

Internal ramps and means of lifting

11.—(1) Animals shall be moved from one floor or deck of a vehicle, vessel or receptacle to another, in accordance with this paragraph.

(2) Save as provided in sub-paragraph (4), suitable ramps or mechanical lifting gear shall be used and operated so as to prevent injury or unnecessary suffering to any animal.

- (3) Where a ramp or mechanical lifting gear is used it shall be—
- (a) provided on each side with protection which is of sufficient strength, length and height to prevent any animal using it from falling or escaping;
 - (b) provided with suitable foot battens or some other means of affording a proper foothold to an animal which is using it;
 - (c) positioned so that it will not result in injury or unnecessary suffering to any animal;
 - (d) of a gradient which is suitable to the age and species of the animals concerned.

(4) It shall be sufficient compliance with sub-paragraph (3)—

- (a) where pigs are using the ramp if—
 - (i) the gradient thereof is not steeper than a ratio of 1 in 2 when the vehicle is on level ground;
 - (ii) any step at the top or bottom of the ramp does not exceed 13cm in height; and
 - (iii) any gap between the top of the ramp and the floor to which it gives access does not exceed 3cm in width; and
- (b) where animals other than pigs are using the ramp, if the gradient thereof is not steeper than a ratio of 2 in 3 when the vehicle is on level ground.

(5) Manual lifting or carrying may be used if the animal is of a size that can easily be lifted by no more than two persons and the movement is carried out without causing injury or unnecessary suffering to the animal.

Tying

12. When animals are tied, the ropes or other attachments used shall be—

- (a) strong enough not to break during normal transport conditions;
- (b) arranged in such a way as to eliminate any danger of strangulation or injury; and
- (c) long enough to allow the animals, if necessary, to lie down and to eat and drink.

13. Animals shall not be tied by the horns or by nose rings.

Segregation of animals

14.—(1) Save as provided in sub-paragraphs (2), (4) and (9), the following animals shall not be carried in an undivided vehicle, rail wagon, pen or receptacle with other animals—

- (a) a cow accompanied by a calf or calves it is suckling;
- (b) a sow accompanied by unweaned piglets;
- (c) a mare with a foal at foot;
- (d) a bull over 10 months of age;
- (e) a breeding boar over 6 months of age;
- (f) a stallion;
- (g) a jackass;
- (h) a ram over 6 months of age.

(2) Bulls may be carried with other bulls, boars with other boars and stallions with other stallions if they have been raised in compatible groups or are accustomed to one another.

(3) Save as provided in sub-paragraph (4), animals shall be segregated according to species.

(4) Animals of any species may be carried in the same undivided vehicle, rail wagon, pen or receptacle as their companion animals if separation would cause either of the animals distress.

(5) An unsecured animal shall not be carried in the same undivided vehicle, rail wagon, pen or receptacle as any animal which is secured other than—

- (a) unweaned young transported with their dam or other animal which they are suckling; or
- (b) a horse registered under the Orders of the British Horseracing Board and the Rules of Racing of the Jockey Club⁽¹¹⁾ accompanied by an animal which is its companion.

(6) An animal shall not be carried with another animal if, having regard to the differences in age and size between those animals, injury or unnecessary suffering is likely to be caused to one or both of the animals.

(7) Measures shall be taken to avoid injury or unnecessary suffering to any animal as a result of the carriage in the same vehicle, rail wagon, pen or receptacle of animals which are hostile to each other or are fractious.

(8) Measures shall be taken to avoid any animal being caused injury or unnecessary suffering by an animal which becomes fractious during the journey.

(9) Uncastrated male adult animals shall be segregated from female animals unless they have been raised in compatible groups or are accustomed to one another.

(10) Horned cattle shall be segregated from unhorned cattle unless they are all secured.

(11) Broken horses shall be segregated from unbroken horses.

(12) Segregation of animals in rail wagons may be effected either by means of suitable partitions or, if space permits, by tying them in separate parts of the rail wagon.

Restrictions on lifting, dragging and use of force on animals

15.—(1) Without prejudice to the provisions of Article 6(7), a person shall not suspend an animal by mechanical means, nor lift or drag an animal by the head, horns, ears, legs, tail or fleece or by any other part of its body in such a way as to cause it unnecessary pain or suffering.

(2) Subject to sub-paragraph (3), a person shall not use, or cause or permit to be used—

⁽¹¹⁾ The Orders of the British Horseracing Board and the Rules of Racing of the Jockey Club are available from Weatherbys Group Ltd, Sanders Road, Wellingborough, Northamptonshire, NN8 4BX

- (a) any instrument which is capable of inflicting an electric shock to control any animal;
- (b) any stick, goad or other instrument or thing to hit or prod any calves; or
- (c) any stick (other than a flat slap stick or a slap marker), non-electric goad or other instrument or thing to hit or prod any pigs.

(3) The prohibition in sub-paragraph (2)(a) shall not apply to the use of an instrument of a kind mentioned in that sub-paragraph, on cattle other than calves and on pigs over the age of six months which are refusing to move forward, provided that—

- (a) the shocks last no more than two seconds each;
- (b) the animal has room ahead of it in which to move; and
- (c) the shocks are applied only to the muscles of the hindquarters,

but the use of any such instrument shall be avoided as far as possible.

(4) A person shall not strike, or apply pressure to, the nose or genitals of any animal or crush, twist or break the tail of any animal or grasp the eyes of any animal.

(5) A person shall not inflict a kick on any animal.

(6) Nothing in this provision shall prevent the suspension by mechanical means of a receptacle in which an animal is being carried.

Duties of attendants

16.—(1) The attendant or consignor's agent shall look after the animals and, if necessary, feed, water and milk them.

(2) Animals in milk shall be milked at appropriate intervals and, in the case of cows in milk, that interval shall be about 12 hours but shall not exceed 15 hours.

Special provisions for horses

17. When transported in groups, horses shall—

- (a) wear halters unless they are unbroken animals; and
- (b) have their hind feet unshod.

18. Horses shall not be transported in vehicles with more than one deck in operation.

19. Where they are transported in rail wagons and are not in individual stalls, horses shall be tied in such a way that they are all facing the same side of the rail wagon or each other. Foals and unbroken animals shall not be tied.

20. When transported by water each horse shall be carried in a stall or receptacle without any other animal, except that small ponies, small asses, small mules and unbroken horses may be carried in groups and a mare may be carried with her foal at foot.

21. When transported by water in individual stalls, horses shall be carried athwartships unless the horses are in a vehicle which is on a vessel which has effective stabilisers in operation.

Special provisions for transport by rail

22. When transported by rail, large animals shall be loaded in such a way as to allow an attendant to move between them.

Special provisions for transport by water

23. Vessels used for the transport of animals shall, before sailing, be provided with sufficient supplies of drinking water, (unless they are equipped with a suitable system allowing its production) and appropriate foodstuffs, having regard to the species and number of animals being transported as well as the duration of the voyage.

24. Sheep which have recently been shorn shall not be transported on an open or exposed deck of a vessel.

SCHEDULE 3

Article 4(4)

Part I

Additional requirements for the construction and maintenance of means of transport and receptacles for poultry and domestic birds and domestic rabbits

Ventilation

1. Means of transport and receptacles shall be constructed, maintained, operated and positioned to provide adequate ventilation and air space.

Special provisions for receptacles

2. Receptacles in which animals are transported shall be constructed and maintained so that they allow for appropriate inspection and care of the animals.

3. Receptacles in which animals are carried shall be of such a size to protect the animals from injury or unnecessary suffering during transport.

4. Receptacles in which poultry and domestic birds are transported shall be constructed and maintained so that they prevent any protrusion of the heads, legs or wings from them.

5. Poultry and domestic birds shall not be carried in a sack or bag.

Part II

Additional requirements for the transport of poultry and domestic birds and domestic rabbits

Lifting of poultry and domestic birds

6. Poultry and domestic birds shall not be lifted or carried by the head, neck, wing or tail except for—

- (a) ducks which may be lifted or carried by the neck; and
- (b) geese which may be lifted or carried by the base of both wings.

Tying of poultry and domestic birds

7. Poultry and domestic birds shall not be tied by the neck, leg or wing.

Segregation of rabbits

8. Rabbits shall not be carried in the same undivided pen, receptacle, vehicle or rail wagon as an animal of any other species.

Segregation of poultry and domestic birds

9.—(1) Poultry and domestic birds shall be segregated according to species and sex, except that—

- (a) female poultry and domestic birds may be transported with their broods;
- (b) male and female chicks may be transported together; and
- (c) male and female poultry and domestic birds which are familiar with one another may travel together.

(2) Chicks shall be segregated from all other poultry and domestic birds except that they may travel with their mother or other chicks.

(3) Poultry and domestic birds shall not be transported in proximity to any animal which is likely to be hostile to them or the presence of which is likely to cause them unnecessary suffering or distress.

SCHEDULE 4

Article 4(5)

Part I

Additional requirements for the construction and maintenance of means of transport and receptacles for domestic dogs and domestic cats

Ventilation

1. Means of transport and receptacles shall be constructed, maintained, operated and positioned to provide appropriate ventilation and air space.

Special provision for receptacles

2. Receptacles in which animals are transported shall be constructed and maintained so that they allow for appropriate inspection and care of the animals.

Size and height

3. The accommodation available for the carriage of animals shall be such that the animals are provided with adequate space to stand in their natural position.

Special provisions for vehicles

4. Vehicles shall be equipped with a roof which ensures effective protection against the weather.

5. In the case of animals which are normally required to be tied, suitable provision shall be made so that animals may be tied to the interior of the vehicle.

Part II

Additional requirements for the transport of domestic dogs and domestic cats

Segregation of species

6.—(1) Animals shall not be carried in the same undivided pen, receptacle, vehicle or rail wagon as animals of another species, except in the case of companion animals if separation would cause either animal distress.

(2) Female animals in oestrus shall be separated from male animals.

(3) An animal shall not be carried with another animal if, having regard to the difference in age and size between those animals, unnecessary suffering is likely to be caused to one or both of those animals.

(4) Measures shall be taken to avoid injury or unnecessary suffering to any animal as a result of the carriage in the same undivided pen, receptacle, vehicle or rail wagon of animals which are hostile to each other.

(5) Measures shall be taken to avoid any animal being caused injury or unnecessary suffering by an animal which becomes fractious or aggressive during the journey.

(6) Segregation of animals in rail wagons may be effected either by means of suitable partitions or, if space permits, by tying them in separate parts of the rail wagon.

Duties of attendants

7. The attendant or consignor's agent shall look after the animals, and if necessary, feed and water them.

Special provisions for transport by water

8. Vessels used for the transport of animals shall, before sailing, be provided with sufficient supplies of drinking water (unless they are equipped with a suitable system allowing its production) and appropriate foodstuffs, having regard to the species and number of animals being transported as well as the duration of the voyage.

SCHEDULE 5

Article 4(6)

Part I

Additional requirements for the construction and maintenance of means of transport and receptacles of mammals and birds not covered by Schedules 2, 3 and 4

Ventilation

1. Means of transport and receptacles shall be constructed, maintained, operated and positioned to provide appropriate ventilation and air space.

Size and height

2. The accommodation available for the carriage of animals shall be such that the animals are provided with adequate space to stand in their natural position.

Special provisions for receptacles

3. Receptacles in which animals are transported shall be constructed and maintained so that they allow for appropriate inspection and care of the animals.

Special provisions for vehicles

4. Vehicles shall be equipped with a roof which ensures effective protection against the weather.

5. Vehicles shall be equipped, on each floor on which the animals (other than marine mammals) are carried (other than in receptacles), with barriers so constructed and maintained as to prevent any animal from falling out of the vehicle when any door used for loading and unloading is not fully closed.

6.—(1) Every ramp which is carried on or forms part of a vehicle shall be constructed, maintained and operated—

- (a) to prevent slipping;
- (b) so that it is not too steep for the age and species of the animal being transported;
- (c) so that any step at the top or bottom of the ramp is not too high for the age and species of the animal being transported;
- (d) so that any gap between the top of the ramp and the vehicle or at the bottom of the ramp is not too wide for the age and species of the animal being transported.

(2) In this paragraph, a ramp shall be considered too steep, a step shall be considered too high and a gap shall be considered too wide, if animals using the ramp, step or gap are likely to be caused injury or unnecessary suffering by reason of the slope of the ramp, the height of the step or the width of the gap.

(3) A ramp to which this paragraph applies shall be provided with suitable side barriers where necessary.

7. In the case of animals which are normally required to be tied, suitable provision shall be made so that animals may be tied to the interior of the vehicle.

Part II

Additional requirements for the transport of mammals and birds not covered by Schedules 2, 3 and 4

Loading equipment

8.—(1) Animals shall be loaded and unloaded in accordance with this paragraph.

(2) Save as provided in sub-paragraphs (5) and (6), animals shall be loaded and unloaded using suitable ramps, bridges, gangways or mechanical lifting gear, operated so as to prevent injury or unnecessary suffering to any animal.

(3) The flooring of any loading equipment shall be constructed so as to prevent slipping.

(4) Ramps, bridges, gangways and loading platforms shall be provided on each side with protection which is—

- (a) of sufficient strength, length and height to prevent any animal using the loading equipment from falling or escaping; and
- (b) positioned so that it will not result in injury or unnecessary suffering to any animal.

(5) An animal may be loaded or unloaded by means of manual lifting or carrying if the animal is of a size that it can easily be lifted by not more than two persons and loading is carried out without causing injury or unnecessary suffering to the animal.

(6) An animal may be loaded or unloaded without equipment or by manual lifting or carrying provided that, having regard to the age, height and species of the animal, it is unlikely to be caused injury or unnecessary suffering by being loaded in this manner.

Movement from floor to floor

9.—(1) Animals shall be moved from one floor or deck of a vehicle, vessel or receptacle to another in accordance with this paragraph.

(2) Save as provided in sub-paragraph (4), suitable ramps or mechanical lifting gear shall be used and operated so as to prevent injury or unnecessary suffering to any animal.

(3) Where a ramp or mechanical lifting gear is used it shall be—

- (a) provided on each side with protection which is of sufficient strength, length and height to prevent any animal using it from falling or escaping;
- (b) positioned so that it will not result in injury or unnecessary suffering to any animal; and
- (c) of a gradient which is suitable to the age and species of the animal concerned.

(4) Manual lifting or carrying may be used if the animal is of a size that can easily be lifted by no more than two persons and the movement is carried out without causing injury or unnecessary suffering to the animal.

Segregation of species

10. Animals shall not be carried in the same undivided pen, receptacle, vehicle or rail wagon as any other animal unless it is known that they are compatible with each other.

Duties of attendants

11. The attendant or consignor's agent shall look after the animals and, if necessary, feed and water them.

Notice describing an animal

12. Where the means of transport or receptacle contains animals which are wild, timid or dangerous a notice to that effect shall be fixed to it.

Special provision for transport by water

13. Vessels used for the transport of animals shall, before sailing, be provided with sufficient supplies of drinking water (unless they are equipped with a suitable system allowing its production) and appropriate foodstuffs, having regard to the species and number of animals being transported as well as the duration of the voyage.

Sedation

14. Sedation shall be given only exceptionally and under the direct supervision of a veterinary surgeon. Written details of such sedation shall accompany the animal to its place of destination.

Conditioning of animals

15. Where appropriate, animals shall be held for a suitable period prior to transport to prepare them for loading, unloading and transport. During that period they shall, if necessary, be moved gradually into their receptacle.

Birds in semi-darkness

16. Birds shall be kept in semi-darkness.

Stacking of receptacles for marine mammals

17. Receptacles in which marine mammals are transported shall not be stacked.

SCHEDULE 6

Article 4(7)

Other vertebrate animals and cold-blooded animals

Other vertebrate animals and cold-blooded animals shall be transported in such receptacles or means of transport, under such conditions, in particular with regard to space, ventilation, temperature and security and with such supply of water and oxygen as is appropriate for the species concerned.

SCHEDULE 7

Articles 8(2), (6) and (8), 13(8) and 14(1)

Part I

Watering and feeding intervals, journey times and resting periods for horses (except registered horses), cattle, sheep, pigs and goats

1. Subject to the provisions of this Schedule, journey times shall not exceed eight hours.
2. The maximum journey time in paragraph 1 may be extended where the transporting vehicle meets the following additional requirements—
 - (a) there is sufficient bedding on the floor of the vehicle;
 - (b) it carries appropriate feed for the animal species transported and for the journey time;
 - (c) direct access to the animals may be gained from inside the vehicle without it having to be unloaded;
 - (d) there is adequate ventilation which may be adjusted depending on the temperature (inside and outside);
 - (e) there are movable panels for creating separate compartments;
 - (f) it is equipped for connection to a water supply during stops;
 - (g) in the case of vehicles for transporting pigs, sufficient water is carried for watering during the journey.
3. The watering and feeding intervals, journey times and rest periods when using road vehicles which meet the requirements in paragraph 2 are as follows—
 - (a) unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets shall, after nine hours of travel, be given a rest period of at least one hour sufficient in

- particular for them to be given liquid and, if necessary, fed. After this rest period, they may be transported for a further nine hours;
- (b) pigs may be transported for a maximum period of 24 hours. During the journey, they shall have continuous access to water;
 - (c) horses may be transported for a maximum period of 24 hours. During the journey they shall be given water and, if necessary, fed every eight hours;
 - (d) all other cattle, sheep and goats shall, after 14 hours of travel, be given a rest period of at least one hour sufficient for them in particular to be given water and, if necessary, fed. After this rest period, they may be transported for a further 14 hours.
4. At the end of the journey time laid down, animals shall be unloaded, fed and watered and be rested for at least 24 hours.
5. Animals shall not be transported by rail if the maximum journey time exceeds eight hours. However, the journey times laid down in paragraph 3 shall apply where the conditions laid down in paragraphs 2 and 3, except for rest periods, are met.
- (a) Animals shall not be transported by sea if the maximum journey time exceeds that laid down in paragraph 2, unless the conditions laid down in paragraphs 3 and 4, apart from journey times and rest periods, are met.
 - (b) In the case of transport by sea on a regular and direct link between two geographical points of the Community by means of vehicles loaded on to vessels without unloading of the animals, such animals shall be rested for 12 hours after unloading at the port of destination or in its immediate vicinity unless the journey time at sea is such that the voyage can be included in the conditions laid down in paragraphs 1 to 3.
7. In the interest of the animals, the journey times in paragraphs 3 and 6(b) may be extended by two hours taking account in particular of proximity to the place of destination.

Part II

Additional provisions relating to the transport of animals through a market where documentation is unavailable for the whole period of the journey

- 8.—(1) Subject to sub-paragraph (2), this Part shall apply in relation to animals which pass through a market in the course of a journey.
- (2) This Part shall not apply where a person is transporting an animal from a market and where documentation to establish the time at which that animal left the point where the journey to the market began is available.
9. If a person transports from a market animals which he did not take to that market, the documentation required under Article 14 shall show the market as the beginning of the journey for the purposes of recording the place, date and time of loading.
10. When animals are transported from a market, a person shall not transport them for more than 4 hours except in accordance with the provisions of this Part.
11. The animals to be transported shall have been at market for a period of at least one hour sufficient in particular for them to be given liquid and, if necessary fed.
12. Any journey of more than 4 hours from the market shall be in a vehicle complying with paragraph 2 of Part I.
13. In the case of unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets, they may be transported for 9 hours from a market if the journey to the market

was not more than 4 hours (or 9 hours if the journey was in a vehicle complying with paragraph 2 of Part I).

14. In the case of pigs or horses, they may be transported for 8 hours from a market if the journey to the market was not more than 4 hours (or 8 hours if the journey was in a vehicle complying with paragraph 2 of Part I).

15. In the case of all other cattle, sheep and goats to which this Schedule applies, they may be transported for 14 hours from a market if the journey to the market was not more than 4 hours (or 14 hours if the journey was in a vehicle complying with paragraph 2 of Part I).

16. It shall be a defence for a transporter transporting animals from a market to show that he took all reasonable steps to establish that the conditions in paragraphs 9 to 15 relating to the transport of animals to the market were satisfied.

SCHEDULE 8

Article 9(2)

Knowledge and ability to be possessed by a “competent person”

1. Knowledge of which persons are responsible for the welfare of animals during each stage of transport.
2. Understanding of when to seek veterinary help and knowledge of which body or organisation or body to contact with general questions, for example, about transport conditions, matters of law or documentation.
3. Elementary knowledge of the causes of stress and distress in animals; ability to recognise the signs of stress, distress and ill health, and basic knowledge of how to reduce the symptoms and, where possible, to remove or ameliorate the causes of that stress, distress or ill health.
4. Knowledge of, and ability to utilise, the appropriate methods of handling animals during loading and unloading, including the use of visual fields and flight zones, lighting and the appropriate use of such things as sticks, boards, blindfolds and electric goads. Knowledge of which handling methods are permissible and which are prohibited.
5. Knowledge of stocking densities (effects of overcrowding and under-stocking) and headroom and segregation requirements, taking into account the species being transported, method of transport, gender, condition, age, length of journey and ambient conditions.
6. Understanding of the significance for animal welfare of temperature, both inside and outside the vehicle, including the effect on different species and the need for adjustment of ventilation.
7. Knowledge of the specific requirements of this Order relating to different species for rest, feed and liquid.
8. Knowledge of the vehicle construction and use requirements in current welfare legislation.
9. Ability to care for animals which become unfit or injured during transport, including an understanding of when to seek veterinary advice. Knowledge of the limited circumstances when it is permissible to transport unfit animals for veterinary treatment or slaughter.
10. Ability to clean and disinfect vehicles and knowledge of when it is necessary to do so before and after a journey.
11. Ability to plan a journey (taking into account such factors as maximum travelling times, required rest periods, and the time taken to load and unload). Ability to anticipate changing conditions and make contingencies for unforeseen circumstances.

12. Understanding when documentation required in accordance with Article 14 or a route plan is required, and ability to complete these documents.

13. Basic knowledge of the licensing requirements for transporters and when such licences are necessary.

14. Ability to load, operate and control a vehicle safely, efficiently and effectively so as to ensure the welfare of the animals.

15. Knowledge of the powers of enforcement authorities to inspect animals, documentation and vehicles before, during and after the journey.

SCHEDULE 9

Article 12(3)

Provisions relating to licences

Specific and general licences

1.—(1) A licence may be—

- (a) a specific licence, that is, a licence issued by the Department to a person named in the licence on an application made by him, which covers such activities as are described in the licence; or
- (b) a general licence, that is, a licence issued by the Department which does not name individual persons and which covers such persons resident in Northern Ireland (or, in the case of a body corporate, incorporated in Northern Ireland) and such activities as are described in the licence.

(2) After 1st December 1997 a person shall not transport cattle, sheep, pigs, goats and horses unless a specific licence has been issued to him, except where—

- (a) the journey time is less than 8 hours and involves only transport by vehicle (or transport by vessel where the animals remain within the vehicle during the voyage);
- (b) all the animals transported are registered equidae within the meaning of Council Directive 90/426;
- (c) the number of animals transported is not more than either—
 - (i) in the case of horses other than registered equidae within the meaning of Council Directive 90/426, 5 individual animals; or
 - (ii) in the case of cattle, 5 individual animals; or
 - (iii) in the case of sheep and goats, 10 individual animals; or
 - (iv) in the case of pigs, 10 individual animals,

provided that the transporter is involved in no more than 5 consignments of animals in accordance with paragraph (2)(c) during any calendar year and that the vehicle used to transport the animals complies with the requirements of Schedule 1 and Schedule 2 and has been inspected by an authorised officer of the Department not more than 6 months before its being used for any such journey.

(3) A specific licence may be amended or revoked by the Department by notice in writing served on the transporter to whom the licence was granted.

(4) A general licence may be amended or revoked by publication in such manner as the Department shall see fit.

(5) In the case of a general licence, the Department may, by notice in writing served on the transporter, either exclude that transporter from the operation of a general licence, or impose additional conditions on that transporter which differ from the conditions in the general licence.

(6) A specific licence shall not be issued to more than one person.

(7) The fact that a person is covered by a general licence in respect of certain activities shall not prevent a specific licence being issued to him in respect of those activities.

(8) If a person has been issued with a specific licence, then he ceases to be covered by any aspect of the general licence in relation to the animals covered by the specific licence, and he shall not be permitted to carry out any transport of those animals except under the authority of a specific licence; and if a specific licence is revoked, or limited in any way, then the person who held the licence shall not be entitled to transport the animals covered by that specific licence under the authority of the general licence.

(9) Notice shall be given of the issue of any general licence in such form as the Department shall see fit.

Licence holder to be a fit person

2.—(1) A specific licence shall be granted on the application of any person if he satisfies the Department that he is a fit person to transport animals.

(2) In determining whether a transporter applying for a specific licence is a fit person to transport animals, the Department shall have regard to any circumstances appearing to it to be relevant, and in particular any evidence tending to show that the applicant, or any of the applicant's employees, agents or associates (whether past or present) or, where the applicant is a body corporate, any person appearing to the Department to be a controller of the body corporate or an associate of any such person, has—

- (a) committed any offence involving animal welfare; or
- (b) contravened any provision of this Order or any other Order made under Article 21, 23 or 23A of the 1981 Order; or
- (c) previously been responsible for anything which would cause the Department to revoke or suspend a licence under the provisions of paragraph 3.

(3) In sub-paragraph (2), “associate”, in addition to the person specified in paragraph 7, includes a business associate.

(4) A person operating under a licence, whether specific or general, shall give to an officer of the Department such information as the Department may reasonably require concerning the transport under the licence.

(5) A specific licensee transporting vertebrate animals under a trading name different from that specified in the licence shall notify the Department of the trading name before he transports any animals under that name.

Suspension and revocation

3.—(1) The Department may revoke or suspend a specific licence, or exclude a transporter from the operation of a general licence, either temporarily or permanently, in the event of any of the following situations, involving either the transporter or, if it appears to the Department to be relevant, any associate, employee or agent of the transporter—

- (a) repeated infringements in Northern Ireland of this Order or of any other Order implementing Council Directive [91/628/EEC](#) or a single such infringement which involves serious suffering to animals, in either case whether or not the infringement leads to a conviction;

(b) in the case of a journey taking place partly in Northern Ireland and partly outside Northern Ireland—

- (i) any breach of the rules relating to route plans; or
- (ii) repeated infringements of the legislation of any member State implementing Council Directive [91/628/EEC](#), or a single such infringement involving serious suffering to animals,

in either case whether or not the infringement leads to a conviction.

(2) The Department shall by notice, inform the transporter that it is minded to revoke the licence, or suspend it until a specified date or indefinitely.

Written representations to the Department

4.—(1) If, within 28 days of the issue of a specific licence, the person to whom it is issued requests the Department to give him notice of the reasons for the inclusion of any provision in it, the Department shall comply with his request within 28 days of receiving it.

(2) On issuing a specific licence to a person the Department shall notify him of the effect of sub-paragraph (1).

(3) If the Department refuses an application for a specific licence, it shall give the applicant notice in writing of the reasons for the refusal.

(4) If the Department, by notice in writing served on a transporter, amends, suspends or revokes a specific licence, the notice shall give the transporter reasons for the amendment, suspension or revocation.

(5) If the Department, by notice in writing served on a transporter, either excludes that transporter from the operation of a general licence or imposes additional conditions on that transporter, the notice shall give the transporter reasons for the exclusion or the imposition of additional conditions.

(6) If, within 28 days of receipt of a notice under this paragraph giving the Department's reasons, the transporter makes written representations to the Department concerning the matter to which the notice is related, the Department shall refer the transporter's representations to an appointed person.

(7) A notice under this paragraph giving the Department's reasons shall notify the transporter of the effect of sub-paragraph (6).

Appointed persons

5.—(1) The Department shall nominate an appointed person who in the opinion of the Department is specially qualified to consider representations under this Schedule.

(2) The appointed person shall serve on the person who made representations a notice requiring him to state within 14 days of receipt of the notice whether he wishes to make written or oral representations to the appointed person at a meeting.

(3) The notice shall specify the place, date and time of the meeting and the date of the meeting shall not be earlier than 14 days from the date of the notice, unless the person who makes the representations has agreed to an earlier meeting.

(4) The appointed person shall permit the Department or the transporter to make written or oral representations at the hearing either in person or through a representative.

(5) The appointed person may permit any other person to make a written or oral representation to him at the hearing.

(6) The appointed person shall consider—

- (a) the reasons given by the Department in accordance with this Schedule; and

(b) any representations made in accordance with this Schedule and shall make a report to the Department after the close of his consideration, giving his findings of fact and his recommendations, and the Department shall reconsider its decision in the light of the report.

(7) The Department shall notify the transporter of the result of its reconsideration and the reasons for it and shall send him a copy of the appointed person's report.

Duty to notify changes

6.—(1) Within 21 working days after—

(a) any change takes place in the officers of—

(i) a body corporate which is the holder of a specific licence; or

(ii) a body corporate which is a controller of a body corporate which holds such a licence;
or

(b) a body corporate which holds such a licence becomes aware that a person has become or ceased to be a controller of the body corporate,

the holder of the licence shall give the Department notice of that fact.

(2) Where the Department is given notice under sub-paragraph (1) of any change the Department may by notice require the holder of the licence to furnish such information, verified in such manner, as the Department may stipulate.

(3) The holder of a specific licence shall notify the Department within 21 days of any change of address of the transporter.

Interpretation

7. In this Schedule—

“agent” means an individual who acts on behalf of another person;

“associate” shall have the same meaning as in section 184 of the Consumer Credit Act 1974⁽¹²⁾ but in addition to the persons specified in that Act shall include a business associate; and

“employee” shall have the same meaning as in Article 3(1) of the Employment Rights (Northern Ireland) Order 1996⁽¹³⁾.

SCHEDULE 10

Article 13(3)

Information to be Provided on the Route Plan

Section 1 — Information to be completed before the journey

1. Name, full address, business name, telephone number and fax number of the transporter.
2. Number and species of animals to be transported.
3. Health certificate number(s).
4. Number of the transporter's specific licence (if any).

⁽¹²⁾ 1974 c. 39

⁽¹³⁾ S.I. 1996 No. 1919 (N.I. 16)

5. Registration number of the vehicles to be used, and the trailers if different.
6. Name of the person(s) in charge of the transport during the journey.
7. Place where the animals are to be first loaded and full address.
8. Planned date and time of departure.
9. Full itemised itinerary of the journey.
10. Full address of the final destination.
11. Estimated date and time of arrival at the final destination (local time).

Section 2 — Information to be completed during the journey

12. Actual date and time of loading the first animal.
13. Actual time of departure from the place of loading.
14. Full itemised itinerary of the journey.
15. Actual date and time of arrival at the final destination (local time).

SCHEDULE 11

Article 16(2)

Form of undertaking

I declare that, in transporting vertebrate animals from Northern Ireland to a destination outside the European Union, I shall take all the measures necessary to comply with the requirements of Council Directive 91/628/EEC (as amended) up to the place of destination.

In addition, I hereby undertake to ensure that any staff to whom I entrust the transport of live animals are competent to do so, and are acquainted with the provisions specified in Schedule 8 to the Welfare of Animals (Transport) Order (Northern Ireland) 1997.

Signed: _____

Name in block letters: _____

Position held in the transport undertaking: _____

Date: _____

SCHEDULE 12

Article 19

Revocations

The following Orders are hereby revoked:

| Title | Number |
|--|--------------------------------------|
| The Transit of Animals (Northern Ireland) Order 1927 | S.R. & O. (N.I.) 1927 No. 38 (p. 40) |

| Title | Number |
|--|---|
| The Transit of Animals (Amendment No. 2) (Northern Ireland) Order 1932 | S.R. & O. (N.I.) 1932 No. 115 (p. 52) |
| The Horses (Sea Transport) Order (Northern Ireland) 1953 | S.R. & O. (N.I.) 1953 No. 87 (p. 12) |
| The Diseases of Animals (Transport by Air) Order (Northern Ireland) 1955 | S.R. & O. (N.I.) 1955 No. 127 (p. 73) |
| The Animals (Sea Transport) Order (Northern Ireland) 1958 | S.R. & O. (N.I.) 1958 No. 5 (p. 109) |
| The Transit of Animals (General) Order (Northern Ireland) 1973 | S.R. & O. (N.I.) 1973 No. 300 |
| The Transit of Animals (General) (Amendment) Order (Northern Ireland) 1989 | S.R. 1989 No. 165 |
| The Transit of Animals (Road and Rail) Order (Northern Ireland) 1989 | S.R. 1989 No. 166 |
| The Welfare of Poultry (Transport) Order (Northern Ireland) 1989 | S.R. 1989 No. 167 |
| The Welfare of Animals during Transport Order (Northern Ireland) 1994 | S.R. 1994 No. 244 |

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and re-enacts with modifications the Welfare of Animals during Transport Order (Northern Ireland) 1994 and other animal welfare legislation, which together with that Order implemented Council Directive [91/628/EEC](#) on the protection of animals during transport (O.J. No. L340, 11.12.91, p. 17). This Order implements that Directive as amended by Council Directive [95/29/EEC](#) (O.J. No. L18, 30.6.95, p. 52).

The Order makes general provision for the welfare of animals during transport. It includes provisions as to the means of transport or receptacles used (Article 4), the amount of space available to each animal (Article 5) and the fitness of animals to travel (Article 6). It requires animals that fall ill or are injured during transport to be treated (Article 7).

The Order contains requirements on the feeding and watering of animals before and during a journey and on journey times and rest periods (Article 8). It requires persons who transport animals in the course of business to ensure that animals are accompanied by a person possessing appropriate knowledge and the ability to safeguard their welfare (Article 9). Further duties on transporters are set out (Article 10).

The Order requires compliance with the guidelines issued under the Convention on International Trade in Endangered Species (“CITES”) and the standards set by the International Air Transport Association (“IATA”) (Article 11). Copies of the relevant documents can be obtained from—

IATA, Tabmag Publishing Limited, Grove House, 31-37 Church Road, Ashford, Middlesex TW15 2UE.

Freight Merchandising Services, c/o Vidap Freight Services, Green Lane, Hounslow, Middlesex TW4 6DD.

Label Line, Hollyhouse, 14 Tenby Road, Frimley, Surrey GU16 5UT.

CITES, Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.

The Order makes provision for the licensing of transporters to transport vertebrate animals on journeys over 50 kilometres (Article 12). It requires route plans for certain journeys and other documentation where no route plan is required (Articles 13 and 14) and excepts certain journeys from certain of its provisions (Article 15). The Order also contains requirements relating to the transport of animals to and from third countries (Article 16).

Inspectors of the Department of Agriculture may require compliance with the provisions of the Order and, if necessary, may stop a journey. Inspectors may take into account a previous failure to comply with this Order, including a failure to submit a route plan, in exercising these powers (Article 17).

Owners or charterers of vessels used to transport animals are required to produce on demand to an inspector of the Department of Agriculture information which may include a plan of the vessel (Article 18).