
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 203

ANIMALS

**Welfare of Animals and Poultry at
Markets Order (Northern Ireland) 1998**

Made - - - - *3rd June 1998*
Coming into operation *27th July 1998*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 19(a), (e), (g) and (k), 20(1) and (2), 21, 44 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(1) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Welfare of Animals and Poultry at Markets Order (Northern Ireland) 1998 and shall come into operation on 27th July 1998.

Interpretation

2. In this Order—

“animals” means bovine animals, sheep, goats and all other ruminant animals, horses, pigs and rabbits;

“calf” means a bovine animal under the age of 6 months;

“foal” means a horse under the age of 4 months;

“fractionous” in relation to an animal or bird means an animal or bird which is likely to cause injury to other animals or poultry;

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

“inspector” includes a veterinary inspector;

“mare” includes a female horse in foal for the first time;

“market” means a market place, sale-yard or any other premises or place to which animals or poultry are brought from any other place and exposed for sale and includes any lairage or parking area adjoining a market and used in connection with it;

“market authority” means the district council or other person responsible for the upkeep of a market or for the provision of fixed facilities there;

(1) S.I.1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and S.I. 1994/1891 (N.I. 6) Articles 23(1) and (2), 24(1) and Schedule

“market operator” means the person for the time being responsible for managing the reception or the sale of animals or poultry in a market;

“pen” includes box or stall;

“unfit” in relation to an animal or bird includes infirm by virtue of being diseased, injured or fatigued;

“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; and

“water” in relation to an animal means the provision of any liquid suitable for that animal in such manner as the animal may require.

Application

3. The provisions of Articles 8 to 12, 15 to 19 and 21 shall apply to animals or poultry (or to any particular animals or birds mentioned in any of those Articles)—

- (a) while they are exposed for sale in a market or while they are awaiting removal after being exposed for sale there; or
- (b) which are being kept temporarily in a market (without being exposed for sale there) pending completion of their inland transit in Northern Ireland.

Unfit animals or poultry and animals likely to give birth

4.—(1) A person shall not permit an unfit animal or bird to be exposed for sale in a market.

(2) A person shall not permit an animal to be exposed for sale in a market if it is likely to give birth while it is there.

Lambs and goat kids with unhealed navels

5. A person shall not bring or cause to be brought to a market, or permit to be exposed for sale in a market, a lamb or goat kid with an unhealed navel.

Protection of lambs and goat kids

6. The market operator shall ensure that any lamb or goat kid under the age of 4 weeks (other than a lamb or goat kid which is at the foot of its dam) is removed from the market without undue delay, and in any event not more than 4 hours after arrival at that market.

Restrictions on the sale of foals

7.—(1) A person shall not bring or cause to be brought to a market a foal unless it is at the foot of its dam.

(2) A person shall not permit to be exposed for sale separately a foal which has been brought to a market at the foot of its dam.

(3) A person shall not separate a foal from its dam while—

- (a) they are awaiting removal from the market after being exposed for sale; or
- (b) they are being kept in a market (without being exposed for sale there) pending completion of their inland transit in Northern Ireland.

Protection of animals from injury or unnecessary suffering

8.—(1) A person shall not cause or permit injury or unnecessary suffering to an animal or bird in a market.

(2) Without prejudice to the generality of paragraph (1), any person in charge of an animal or bird in a market shall ensure that the animal or bird is not, or is not likely to be, caused injury or unnecessary suffering by reason of—

- (a) the animal or bird being exposed to the weather;
- (b) inadequate ventilation being available for the animal or bird;
- (c) the animal or bird being hit or prodded by any instrument or other thing;
- (d) the animal being tethered in an unsuitable manner; or
- (e) any other cause.

Handling and tying of animals and poultry

9.—(1) Subject to paragraph (3), a person shall not handle an animal or bird in a market by—

- (a) lifting it off the ground;
- (b) dragging it along the ground; or
- (c) suspending it clear of the ground,

by the head, neck, ears, horns, legs, feet, tail, fleece or wing or by any other part of its body in such a way as to cause it unnecessary pain or suffering.

(2) A person shall not—

- (a) tie up or muzzle any calf; or
- (b) subject to paragraph (4), tie any bird by the neck, leg or wing.

(3) Paragraph (1) shall not prohibit—

- (a) any goose being lifted off the ground by the base of both wings; or
- (b) any bird being suspended clear of the ground by the legs while it is being weighed.

(4) Paragraph (2)(b) shall not prohibit any bird being tied by the leg while it is being weighed.

Control of animals and poultry

10.—(1) A person shall not use excessive force to control any animal or bird in a market.

(2) Subject to paragraph (3) a person shall not use in a market—

- (a) any instrument which is capable of inflicting an electric shock to control any animal or bird;
- (b) any stick, crop, whip, goad or other instrument or thing to hit or prod any calf or horse; 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 pig.

(3) The prohibition in sub-paragraph (a) of paragraph (2) shall not apply to the use of an instrument mentioned in that sub-paragraph, on the hind quarters of any bovine animal or pig over the age of 6 months which is refusing to move forward when there is space for it to do so provided that the shocks last no more than two seconds each.

(4) A person shall not—

- (a) 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;

- (b) inflict a kick on any animal or bird; or
- (c) drive, ride or lead any animal or bird over any ground or floor, the nature or condition of which is likely to cause the animal or bird to slip or fall.

Obstruction and annoyance of animals

11.—(1) A person shall not knowingly obstruct any animal or bird which is being ridden, driven or led through any part of a market.

(2) A person shall not wantonly or unreasonably infuriate or terrify any animal or bird in a market.

Penning and caging of animals and poultry

12.—(1) A market operator shall ensure that an animal or bird is not kept in a pen, cage or hutch which is unsuitable for the size and species of that animal or bird.

(2) Without prejudice to the generality of paragraph (1), a market operator shall ensure that—

- (a) any pen in which any calves or pigs are kept is of sufficient size to enable all the calves or pigs kept in it to lie down at the same time;
- (b) any cage or hutch in which any poultry or rabbits are kept—
 - (i) is of such a design as to enable the poultry to stand in their natural position, or, as the case may be, to enable all the rabbits kept in them to sit upright on all four feet without their ears touching the top of the cage or hutch; and
 - (ii) has a door which is of sufficient size to enable the poultry or rabbits (as the case may be) to be placed in, and removed from, the cage or hutch without being caused any injury or unnecessary suffering.

(3) Without prejudice to the generality of paragraph (1), a market operator shall ensure that, within the market—

- (a) when animals or poultry are penned—
 - (i) those of one species are kept in separate pens from animals or poultry of another species; and
 - (ii) they are distributed within the pens, having regard to differences in age, sex and size, so as to avoid injury or unnecessary suffering to them;
- (b) any fractious animal or bird is kept in a separate pen, cage or hutch from other animals or poultry;
- (c) animals or poultry are not kept in pens, cages or hutches which are overcrowded;
- (d) adequate provision is made to prevent animals or poultry—
 - (i) escaping from the market; and
 - (ii) coming into contact with any aggressive or fractious animals or poultry in the market;
- (e) a bull is not kept in the same undivided pen in the market as any other animal except that—
 - (i) bulls which are halter broken may be kept together in the same undivided pen if they are all secured by the head or neck; and
 - (ii) bulls which have been reared together may be kept together in the same undivided pen (without being secured by the head or neck);
- (f) a boar over the age of 6 months is not kept in the same undivided pen as any other animal;
- (g) a horse of one of the following descriptions is not kept in the same undivided pen as any other horse—
 - (i) a stallion;

- (ii) a cryptorchid or rig;
- (iii) a mare heavily in foal;
- (iv) a mare with foal at foot; or
- (v) a horse whose hind feet are shod;
- (h) an unsecured horse is not kept in the same undivided pen as any horse which is secured;
- (i) a horse which is not penned shall be—
 - (i) effectively separated from any other horse or other animal or bird; and
 - (ii) secured by the head (except where it has not been halter broken) unless it is being driven, ridden or led.
- (j) animals with young at foot are not kept in the same undivided pen as any other animals, except where they originate from the same group of animals and are of a mutually acceptable disposition; and
- (k) animals with unweaned young are not kept separate from their young.
- (4) Notwithstanding the provisions of paragraph (3)—
 - (a) a horse may be accompanied in the same undivided pen by an animal of any species which is its stable companion;
 - (b) a mare with its foal at foot may be kept together in the same undivided pen; and
 - (c) subject to paragraph (3)(g)(v), shod horses may be kept in the same undivided pen if all the horses which are so kept are secured by the head and effectively separated one from another.

Feeding and watering of animals

13.—(1) The person in charge of an animal or bird shall ensure that the animal or bird is provided with an adequate quantity of wholesome water as often as is necessary to prevent it suffering from thirst.

(2) Where an animal or bird is kept in a market from one day to the next the owner of that animal or bird or his duly authorised agent shall ensure that it is provided with, and has easy access to, an adequate quantity of suitable food and an adequate quantity of wholesome water—

- (a) before 9 p.m. on the day on which the animal or bird arrives at the market or, if it arrives at the market after 9 p.m., immediately on its arrival there; and
- (b) thereafter at least once in each complete period of 12 hours (calculated from 9 p.m. on the day of its arrival at the market) during which the animal or bird is kept in the market.

(3) In paragraph (2), “suitable food” means food which is wholesome and palatable to the animal or bird and which is provided in a receptacle which is appropriate to that species of animal or bird.

Provision of lighting and bedding

14. A market operator shall ensure that—

- (a) adequate lighting, whether natural or artificial, is available—
 - (i) to provide sufficient illumination so as to minimise the creation of shadows when animals are being driven through any part of a market; and
 - (ii) to enable animals or poultry kept in the market to be inspected, fed and watered; and
- (b) an adequate supply of suitable bedding is provided for—
 - (i) any calves, bovine animals in milk or in calf, goats in milk or in kid, or pigs;

- (ii) any foal at all times and any other horse which is kept in a market from one day to the next; and
 - (iii) any lambs or goat kids (except a lamb or goat kid which is kept at the foot of its dam) under 4 weeks of age; and
- (c) the bedding provided in accordance with paragraph (b) is dry at the time it is provided.

Restriction on keeping clipped horses in markets

15. A person shall not keep or cause to be kept in a market a horse, which as a result of being clipped, is insufficiently protected against the weather by its natural coat unless it is kept in covered accommodation or provided with suitable protective clothing.

Covered accommodation

16.—(1) The market authority of every market in which any calves, bovine animals in milk or in calf, pigs, goats, lambs (except a lamb which is kept at the foot of its dam) less than 4 weeks old, rabbits or poultry are kept shall provide covered accommodation in the market for such animals or poultry.

(2) The market operator shall ensure that any such animals or poultry are kept in the covered accommodation provided by the market authority in accordance with paragraph (1).

(3) The market authority of every market in which lambs under 4 weeks old (other than lambs at the foot of their dams) or goat kids under 4 weeks old are kept shall provide solid sided draught free pens for such animals.

(4) The market operator shall ensure that any such lamb (other than a lamb which is at the foot of its dam) or goat kid is kept in the accommodation provided in accordance with paragraph (3).

Additional duties of market authorities

17. A market authority shall ensure that—

- (a) all passageways and sale rings in the market and all pens in which animals or poultry are kept are—
 - (i) constructed and maintained in a manner which is not likely to cause injury or unnecessary suffering to animals or poultry; and
 - (ii) free from any sharp edges or projections with which animals or poultry may come into contact;
- (b) an adequate supply of wholesome water is available for animals or poultry;
- (c) adequate facilities in the form of troughs, buckets, drinking bowls or other drinking devices are available for watering animals or poultry;
- (d) any covered accommodation in the market in which animals or poultry are kept is capable of being adequately ventilated;
- (e) any animals or poultry which are kept overnight in a market are provided with an adequate quantity of suitable food, water and bedding; and
- (f) any fixed ramps used for the loading or unloading of horses into or out of vehicles have—
 - (i) anti-slip surfaces; and
 - (ii) side railings or some other means of protection designed and constructed so as to prevent a horse from falling off them.

Accommodation for unfit animals

18. A market operator shall ensure that—

- (a) suitable and easily accessible pens are available in which any unfit animals or poultry may be separated from other animals or poultry; and
- (b) any such pen in which an unfit animal or bird is being kept is clearly marked so as to show that it is being used for this purpose and that entry to the pen is prohibited unless under the authority of an inspector.

Detention and treatment of unfit animals

19.—(1) Where an inspector has reasonable grounds for supposing that any animal or bird in a market is unfit he may move it, or cause it to be moved, to a pen, cage or hutch provided in the market for the accommodation of unfit animals or poultry or to any other suitable place in the market and by notice in writing require the market operator to detain the animal or bird there pending its examination by a veterinary inspector.

(2) Where a veterinary inspector is of the opinion that any animal or bird in a market is unfit, he may treat it, or cause it to be treated, and take, or cause to be taken, any other steps that he considers necessary to protect it from suffering, and he may for any such purpose by notice in writing require the market operator to detain the animal or bird in a pen, cage or hutch at a place mentioned in paragraph (1) for as long as he considers necessary for the purpose of further treatment or otherwise protecting it from suffering.

(3) Where an animal or bird is being detained in pursuance of paragraph (1) or (2) a person shall not move it from its place of detention except under the authority of a licence granted by the Department and in accordance with any conditions subject to which the licence is granted.

(4) A person shall not enter a pen in which any unfit animal or bird is being kept unless authorised to do so by an inspector.

(5) A market operator shall—

- (a) render such reasonable assistance to an inspector as he may require for the purpose of facilitating the exercise of his powers under paragraph (1) or (2); and
- (b) give to an inspector such information as he possesses as to the ownership of any animal or bird in respect of which any such power is exercised.

(6) In this Article “treatment” includes milking.

(7) This Article shall apply to an animal which is overstocked with milk or likely to give birth as it applies to an unfit animal.

Marking of animals and poultry

20.—(1) An inspector may apply or cause to be applied a mark or other means of identification to any animal.

(2) A person shall not alter, remove, obliterate, deface or duplicate or cause or permit the alteration, removal, obliteration, defacing or duplication of any such mark or means of identification, except with the written permission of the Department.

Ramps

21. Where, at any time after the coming into operation of this Order, any premises are constructed for use as a market, the market authority for that market shall ensure that—

- (a) facilities are provided in the market for the purpose of loading and unloading horses, bovine animals, sheep, goats and pigs into and out of vehicles and that those facilities

consist of fixed ramps or other facilities which are of a height and design suitable for that purpose; and

- (b) any fixed ramp or other facilities which are provided pursuant to paragraph (a) have anti-slip surfaces and are fitted with side railings (or some other means of protection) designed and constructed so as to prevent such animals from falling off them.

Revocation

22. The conveyance of Live Poultry (Ireland) Order 1919(2) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on

3rd June 1998.

R. S. Johnston
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order makes provision for the welfare of animals at markets. It prohibits the exposure for sale of unfit animals (Article 4) lambs or goat kids with unhealed navels (Article 5) and foals unless at the foot of a dam (Article 7) and requires that lambs and goat kids are removed from the market without undue delay (Article 6). The Order also requires that no injury or unnecessary suffering may be caused to an animal at a market (Article 8).

The Order also restricts the manner in which animals may be tied or handled (Article 9), the use of force to control an animal (the use of sticks, crops, whips, goads or certain other instruments is also restricted) (Article 10) and prohibits the obstruction or annoyance of an animal by any person (Article 11). The Order also prohibits the keeping at the market of any horse which, by reason of being clipped, is insufficiently protected against the weather (Article 15).

The market operator must ensure that animals are properly penned and caged (Article 12), adequately provided with lighting and bedding (Article 14), and that there is accommodation for unfit animals (Article 18). Duties are placed on the owner (or his duly authorised agent) or the person in charge of the animal to ensure that it is adequately fed and watered (Article 13). It is the duty of the market authority to provide covered accommodation (Article 16) and other facilities (Article 17) including ramps for the purpose of loading and unloading animals out of a vehicle (Article 21).

Provision is made for the detention and treatment of unfit animals (Article 19) and for an inspector to apply a mark, or cause a mark to be applied, to an animal for identification purposes (Article 20).

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