

1973 No. 1377

ANIMALS

The Transit of Animals (General) Order 1973*Made* - - - - - *2nd August 1973**Laid before Parliament* *10th August 1973**Coming into Operation* *1st September 1973*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred by sections 1(1) and (2)(b), (d) and (h), 20(v) and (x), 23(b) and (c), 45 and 84(1)(a) and (aa) and (2) of the Diseases of Animals Act 1950(a) (as adapted to air transport by section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(b), and by Schedule 2 thereto, and to hovercraft by the Hovercraft (Application of Enactments) Order 1972(c), and, as respects section 84(1) of the said Act of 1950, as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1972(d)), and now vested in them(e), and of all their other enabling powers, hereby make the following order:—

Citation, extent and commencement

1. This order, which may be cited as the Transit of Animals (General) Order 1973, applies to Great Britain, and shall come into operation on 1st September 1973.

Extension of definition of “animals” and “poultry”

2. For the purposes of the Diseases of Animals Act 1950 in its application to this order—

- (a) the definition of the expression “animals” contained in section 84(1) thereof is hereby extended so as to comprise all mammals, except man, and any kind of four-footed beast which is not a mammal, and all fish, reptiles, crustaceans and other cold-blooded creatures of any species; and
- (b) the definition of the expression “poultry” contained in section 84(2) thereof is hereby extended so as to comprise birds of any species.

Interpretation

3.—(1) In this order, unless the context otherwise requires—

“the Act” means the Diseases of Animals Act 1950, as amended or extended by any other enactment;

(a) 1950 c. 36.

(c) S.I. 1972/971 (1972 II, p. 3024).

(e) S.I. 1955/958 (1955 I, p. 1184).

(b) 1954 c. 39.

(d) 1972 c. 62.

“airport” means any place in Great Britain at which animals are loaded into or unloaded out of an aircraft, or at which an aircraft lands while carrying animals;

“animals” means all mammals, except man, and any kind of four-footed beast which is not a mammal, and all fish, reptiles, crustaceans and other cold-blooded creatures of any species, and poultry; and “poultry” means birds of any species;

“attendant” includes the driver of a road vehicle, the guard of a train and a member of the crew of a vessel or aircraft, in so far as any such person is designated to act as an attendant in respect of animals being carried;

“commander” means the member of the flight crew designated as commander of an aircraft by the operator thereof, or, failing such designation, the person who is for the time being the pilot in command of the aircraft;

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister of Agriculture, Fisheries and Food or by a local authority, and, when used in relation to an officer appointed by the said Minister, includes a veterinary inspector;

“master” means any person having charge or command of a vessel, other than a pilot;

“the Minister” means, in relation to the application of this order to England and Wales, the Minister of Agriculture, Fisheries and Food, and, in its corresponding application to Scotland, the Secretary of State;

“port” means any place in Great Britain at which animals are loaded into or unloaded out of a vessel, or at which a vessel calls while carrying animals;

“receptacle” means a crate, box or container used for the carriage of animals and which is not an integral part of a vessel, aircraft or vehicle;

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

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

“vessel” includes hovercraft;

“veterinary inspector” means a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food.

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

(3) In relation to carriage by sea or air, the provisions of this order shall apply to animals carried on any vessel or aircraft to or from a port or airport in Great Britain, whether or not such animals are loaded or unloaded at such port or airport.

(4) Other expressions used in this order have, so far as the context admits, the same meanings as in the Act.

(5) The Interpretation Act 1889(a) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Application of existing orders

4. Nothing in this order shall be construed as in any way restricting or otherwise affecting the operation of the provisions for the time being in force of the orders specified in the Schedule hereto in their application to the carriage by road, rail and sea of the several species of animals to which they apply, and in so far as any provision of this order is inconsistent with any provision of an order specified in the said Schedule, the provision of the order so specified shall prevail.

Protection of animals from injury and unnecessary suffering during loading, unloading and carriage

5.—(1) No person shall load any animal into or unload any animal out of a vessel, aircraft or vehicle, or cause or permit any animal to be so loaded or unloaded, in a way which is likely to cause injury or unnecessary suffering to the said animal; and in the application of this paragraph to loading, the duty imposed on a person to safeguard an animal from injury or unnecessary suffering shall extend to injury or suffering which is likely to arise during carriage, or at any time during which the animal is in the vessel, aircraft or vehicle.

(2) No person shall carry any animal by sea, air, road or rail, or cause or permit any animal to be so carried, in a way which is likely to cause injury or unnecessary suffering to the said animal.

(3) Without prejudice to the generality of the foregoing provisions of this Article, it shall be the duty of any person in charge of an animal which is being loaded into, unloaded out of or carried in a vessel, aircraft or vehicle, to ensure that the said animal is not, and will not be, caused injury or unnecessary suffering—

- (a) by reason of inadequately constructed or insecure fittings in that part of the vessel, aircraft or vehicle, or in the receptacle, in which the animal is to be or is being carried;
- (b) by coming into contact with any fitting or other part of the vessel, aircraft or vehicle which has not been adequately padded or fenced-off, or with any other obstruction;
- (c) from undue exposure to the action of the weather or the sea;
- (d) from an inadequate supply of fresh air, whether the vessel, aircraft or vehicle is stationary or in motion;
- (e) from exposure to undue fluctuations in temperature, humidity or air pressure, or from undue exposure to noise or vibration; or
- (f) from any other cause.

(4) The duty imposed on a person by the preceding paragraph to ensure that an animal is not caused injury or unnecessary suffering from the causes referred to therein shall extend to any period during which the said animal is waiting to be loaded into or unloaded out of a vessel, aircraft or vehicle.

(5) Where an inspector has reason to believe that an animal loaded in a vessel, aircraft or vehicle is likely, from whatever cause, to be caused injury or unnecessary suffering if carried therein, he may, by notice in writing served on the master of the vessel, the commander of the aircraft or the carrier or his agent, or (in the case of carriage by road or rail) on the person for the time being having charge of the said animal, prohibit the carriage thereof, and require the animal to be unloaded forthwith out of the vessel, aircraft or vehicle, and removed to such place as may be specified in the notice.

(6) Animals shall not be carried by sea or air if, in the judgment of the master or, as the case may be, the commander, there are grounds for believing that, due to adverse weather conditions, the voyage or flight will be attended by serious risk of injury to, suffering by or loss of life among the said animals.

Feeding, watering and general care of animals during carriage

6.—(1) It shall be the duty of the owner or charterer of a vessel and of the operator of an aircraft in which animals are being carried by sea or air, and of the carrier or other person in charge of animals being carried by road and rail, to ensure that—

- (a) such animals are adequately fed and watered at suitable intervals during carriage, including for this purpose any period during which the said animals are waiting to be loaded or unloaded;
- (b) where necessary, adequate supplies of food and water appropriate to the species of animals being carried are available in the vessel, aircraft or vehicle;
- (c) an attendant is available during carriage who shall be responsible for carrying out feeding and watering as required by sub-paragraph (a) of this paragraph, and for the general care of the animals in accordance with the provisions of this order; and
- (d) where necessary, suitable access is readily available to the said animals for the purpose of feeding and watering, and for otherwise attending to them as required by this order, and that, if required, an adequate means of artificial lighting is provided.

(2) The provisions of sub-paragraphs (c) and (d) of the preceding paragraph shall not apply where animals being carried by air are accommodated in the hold of the aircraft; but in any such case, it shall be the duty of the operator to ensure that such animals are adequately fed and watered and otherwise attended to when the aircraft in which they are being carried is on the ground.

Unfit animals and animals likely to give birth during carriage

7.—(1) Subject to the following provisions of this Article, where the owner of an animal or his agent, or the consignor, carrier or other person in charge thereof, has reason to believe that the animal is unfit, or that it is likely to give birth during carriage, he shall not permit the said animal to be loaded into a vessel, aircraft or vehicle, or to be carried therein.

(2) Where an inspector is of the opinion that an animal intended to be carried—

- (a) cannot, by reason of unfitness, be so carried without unnecessary suffering, or
- (b) is likely to give birth while being so carried,

he may take such steps as appear to him to be necessary to mark or otherwise identify the said animal, and may require the owner or other person in charge thereof to detain the animal at a suitable place pending its examination by a veterinary inspector, and to unload it out of any vessel, aircraft or vehicle for the purpose.

(3) Where a veterinary inspector is satisfied that the condition of an animal is such as would bring it within sub-paragraph (a) or sub-paragraph (b) of the preceding paragraph, he may serve on the owner or other person in charge of the said animal a notice in writing—

- (a) prohibiting absolutely or for such period as may be specified in the notice the carriage or, as the case may be, the further carriage of the animal; or
- (b) permitting the carriage or, as the case may be, the further carriage of the animal subject to such conditions as may be specified in the notice.

(4) The person in charge of an animal which is to be carried by sea, air, road or rail, shall render such assistance as may be necessary to enable an inspector or veterinary inspector to examine the said animal for the purposes of this Article, and shall comply with all reasonable requirements of an inspector or veterinary inspector in connection therewith, and with the provisions of a notice served under the preceding paragraph.

(5) The reasonable expenses arising from the exercise of the powers conferred on an inspector or veterinary inspector by the foregoing provisions of this Article shall be recoverable on demand as a civil debt by the Minister or, as the case may be, the local authority from the owner of the animal or his agent, or from the consignor thereof, or from any person on whom a notice under paragraph (3) of this Article has been served.

Carriage of animals in receptacles

8.—(1) It shall be the duty of the consignor, carrier, or other person for the time being in charge of an animal which is to be carried in a receptacle to ensure that the receptacle—

- (a) is soundly constructed in a manner which is not likely to cause injury to animals carried therein, and is maintained in a good state of repair;
- (b) is suitable for the species of animal to be carried therein;
- (c) is not overcrowded, and that the animals are accommodated in such a way as to avoid any risk of injury or unnecessary suffering;
- (d) has securely attached thereto a label or similar form of notice clearly indicating that the receptacle contains live animals, and stating the species of those animals; and
- (e) bears a sign indicating the upright position thereof.

(2) It shall be the duty of the carrier or other person in charge of an animal which is to be carried in a receptacle to ensure that the receptacle—

- (a) is secured in such a manner as to prevent its displacement by the motion of the vessel, aircraft or vehicle; and
- (b) is so placed in the vessel, aircraft or vehicle as to permit unimpeded access thereto, and adequate ventilation thereof:

Provided that the requirements of sub-paragraph (b) of this paragraph with regard to unimpeded access to a receptacle shall not apply where a receptacle is carried in the hold of an aircraft.

Accommodation of animals during carriage

9.—(1) It shall be the duty of the carrier or other person in charge of animals being carried to ensure that any vessel, aircraft or vehicle, or any pen therein, in which the animals are being carried is not overcrowded, and that the said animals are accommodated in such a way as to avoid any risk of injury or unnecessary suffering.

(2) Where two or more animals are being carried together in the same vessel, aircraft or vehicle, the carrier or other person in charge of the said animals shall ensure that, where necessary, the animals are separated from each other; and in determining whether it is necessary that such animals should be so separated, he shall have regard to their species, and in particular to any natural hostility which such animals may have towards each other.

Animals injured during carriage

10.—(1) Where an animal is seriously injured during carriage by sea or air, the master or, as the case may be, the commander shall, unless he is of the opinion that the said animal can be kept alive and landed without cruelty, cause it to be humanely slaughtered in a manner appropriate to its species:

Provided that this paragraph shall not apply to—

- (a) horses carried by sea to which the provisions of section 40 of the Act apply; and
- (b) horses carried by air.

(2) Where an animal is seriously injured during carriage by road or rail, the person in charge of the said animal shall without delay arrange either—

- (a) for the animal to receive veterinary treatment; or
- (b) for the animal to be carried with all practicable speed to the nearest place at which it can be slaughtered, if such carriage can be effected without cruelty.

Offences

11. The contravention of any provision of this order, or the failure to comply with any such provision, or with any provision of a notice served under Article 5 or Article 7 hereof, or the causing or permitting of any such contravention or non-compliance, shall be an offence against the Act.

Local authority to enforce order

12. This order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd August 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

27th July 1973.

Gordon Campbell,
Secretary of State for Scotland.

SCHEDULE

Article 4

ORDERS REGULATING THE CARRIAGE BY ROAD, RAIL AND SEA OF
CERTAIN ANIMALS

No. of Instrument	Short Title
S.I. 1951/335 (1951 I, p. 76).	Transit of Horses Order, 1951
S.I. 1952/1291 (1952 I, p. 146).	Horses (Sea Transport) Order 1952, as amended(a)
S.R. & O. 1927/289 (Rev. II, p. 259: 1927 p. 57).	Transit of Animals Order 1927 as amended(b)
S.I. 1956/1127 (1956 I, p. 174).	Calves (Feeding in Transit) Order 1956
S.I. 1963/1228 (1963 II, p. 2038).	Transit of Calves Order 1963
S.R. & O. 1930/923 (Rev. II, p. 284: 1930 I, p. 78).	Animals (Sea Transport) Order 1930, as amended(c)
S.R. & O. 1919/933 (Rev. XVIII, p. 434: 1919 I, p. 966).	Conveyance of Live Poultry Order 1919

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order introduces a number of general measures intended to safeguard the welfare of a wide variety of animals during their carriage by sea, air, road and rail. For the purposes of the Order, the definition of "animals" contained in the Diseases of Animals Act 1950 is extended so as to include all mammals (other than man) and any kind of four-footed beast which is not a mammal, together with all fish, reptiles, crustaceans, and other cold-blooded creatures. As a result of a similar extension of the definition of "poultry" in the 1950 Act, the Order also covers birds of any species.

Existing legislation covering the carriage of farm animals, horses and domestic poultry by sea, road and rail is not affected by the Order, so that its provisions only apply to these animals in respect of their carriage by air.

In relation to the carriage of animals by sea or air, the Order applies to any animal carried on a vessel or aircraft to or from a port or airport in Great Britain, whether or not the animal is loaded or unloaded at that port or airport. Its requirements are, therefore, enforceable in respect of animals which are merely passing through this country, or call here en route for elsewhere.

The Order places a general duty on carriers and other persons in charge of animals during carriage to ensure that its provisions are applied to those animals in a manner appropriate to their species. A further duty is then imposed on those concerned with the loading, unloading and carriage of animals to ensure that these

(a) S.I. 1958/1272 (1958 I, p. 167).

(b) S.R. & O. 1927/399, 1931/750, 1939/501, 1947/2915 (Rev. II, p. 259: 1927 I, p. 88; 1931 I, p. 55; 1939 I, p. 166; 1947 I, p. 86).

(c) S.R. & O. 1932/248 (Rev. II, p. 284: 1932 I, p. 107).

operations are carried out in such a way as will ensure that the animals are not caused injury or unnecessary suffering and such persons are also required to guard against the risk of injury or suffering arising from a number of specified causes.

Other provisions of the Order deal with the feeding, watering and general care of animals during carriage, and with their accommodation in vessels, aircraft or vehicles. There are also special requirements with regard to the carriage of animals in receptacles.

The loading or carriage of unfit animals, or of animals which are likely to give birth during carriage, is prohibited, except where permitted by a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, and the Order also provides for the way in which animals which are injured during carriage are to be dealt with.

Inspectors of the local authority and of the Ministry are authorised to require, by notice, the unloading of animals out of vessels, aircraft or vehicles where they have grounds for believing that the carriage of such animals, or their further carriage, is likely to cause injury or unnecessary suffering, and such inspectors are given similar powers in respect of animals which they have reason to believe are unfit or likely to give birth during carriage.

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