
STATUTORY INSTRUMENTS

1998 No. 2537

ANIMALS

The Welfare of Animals (Staging Points) Order 1998

Made - - - - *13th October 1998*

Coming into force

Article 3 *6th November 1998*

All other articles *1st January 1999*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 8, 37(1) and 72 of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, make the following Order:

Title and commencement

1. This Order may be cited as the Welfare of Animals (Staging Points) Order 1998 and shall come into force on—

- (a) 6th November 1998 in the case of article 3, and
- (b) 1st January 1999 in the case of all the other articles.

Interpretation

2. Any expression which is used in this Order and Council Regulation (EC) No. 1255/97(2) (concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC), shall have, insofar as the context admits, the same meaning in this Order as in that Regulation.

Approval of staging points

3.—(1) The appropriate Minister shall be the competent authority for the purposes of Articles 3.1, 3.3, 3.4 and 4.2 of Council Regulation (EC) No. 1255/97.

(2) An approval of a staging point for the purposes of Council Regulation (EC) No. 1255/97, and any suspension, withdrawal or restoration of such an approval, shall be by notice.

(1) 1981 c. 22. See section 86(1)(c) for a definition of “the Ministers”.
(2) OJ No. L174, 2.7.97, p. 1.

Powers of a veterinary inspector

4.—(1) Where a notice has been served suspending or withdrawing an approval relating to a staging point and there are animals resting at the staging point, a veterinary inspector may serve a notice on the person appearing to him to be running the staging point requiring him to take any action which the veterinary inspector reasonably considers is necessary to protect the welfare of the animals at the staging point.

(2) Without prejudice to the generality of paragraph (1) above, a veterinary inspector may in particular—

- (a) require all or some of the animals at the staging point to be removed from the staging point, or
- (b) specify conditions under which animals may remain at the staging point for the remainder of their rest period.

(3) If any person fails to comply with the requirements of a notice served under this article, a veterinary inspector shall have the power to carry out those requirements himself, or cause them to be carried out, and the owner and any person running the staging point shall be jointly and severally liable for the cost of such action.

Offences

5. It shall be an offence against the Animal Health Act 1981 for an owner or any person running a staging point, or, in the case of paragraph (g) below, any person—

- (a) to operate a staging point in contravention of Article 1.2 of Council Regulation (EC) No. 1255/97 (requiring staging points to comply with the Community criteria for staging points);
- (b) to use a staging point, other than a staging point approved under Article 4.2 of Council Regulation (EC) No. 1255/97, in contravention of Article 4.1 of Council Regulation (EC) No. 1255/97 (providing for the exclusive use of staging points for the accommodation of animals passing through them);
- (c) to use a staging point approved under Article 4.2 of Council Regulation (EC) No. 1255/97 (relating to the approval of assembly centres as staging points) in contravention of paragraphs (a) to (c) of that Article;
- (d) to contravene Article 4.3 of Council Regulation (EC) No. 1255/97 (relating to the health status of animals present at staging points);
- (e) to contravene Article 5 of Council Regulation (EC) No. 1255/97 (relating to the operation of staging points);
- (f) to permit the removal of any animal in contravention of Article 6.1 of Council Regulation (EC) No. 1255/97 (requiring an official veterinarian or veterinarian designated by the competent authority to confirm on the route plan that the animal is fit to travel);
- (g) to contravene or fail to comply with a notice served on him by a veterinary inspector under article 4(1) of this Order; or
- (h) to cause or permit any of the above.

Offences by bodies corporate and Scottish partnerships

6.—(1) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

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

(3) Where a Scottish partnership is guilty of an offence under this Order in respect of an act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner in the partnership, he, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Enforcement

7.—(1) This Order, except where otherwise provided, shall be enforced by the local authority.

(2) The appropriate Minister may direct, in relation to cases of a particular description or a particular case, that this Order shall be enforced by him and not by the local authority.

Amendment of the Welfare of Animals (Transport) Order 1997

8. The Welfare of Animals (Transport) Order 1997(3) shall be amended by inserting the following paragraph after paragraph 4 in Part I of Schedule 7—

“4A. Unless it is taken at the place of destination, the 24 hour rest referred to in paragraph 4 above shall be taken at a staging point approved under Council Regulation (EC) No. 1255/97.”.

8th October 1998

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

7th October 1998

Sewel
Parliamentary Under-Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

13th October 1998

Jon Owen Jones
Parliamentary Under-Secretary of State, Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the administration, execution and enforcement of Council Regulation (EC) No. 1255/97 (“the Council Regulation”) concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC (OJ No. L174, 2.7.97, p. 1).

The principal provisions of the Order–

- (a) designate the appropriate Minister (as defined in section 86(1)(b) of the Animal Health Act 1981) to be the competent authority for the purpose of approving staging points, and withdrawing, suspending and restoring such approvals, as necessary, in accordance with Articles 3.1, 3.3, 3.4 and 4.2 of the Council Regulation (article 3);
- (b) confer a power on a veterinary inspector enabling him to serve a notice to protect the welfare of animals that are resting at a staging point in respect of which a notice has been served suspending or withdrawing its approval (article 4);
- (c) create offences (articles 5 and 6);
- (d) provide for the enforcement of the Order (article 7); and
- (e) amend Part I of Schedule 7 to the Welfare of Animals (Transport) Order 1997 (S.I.1997/1480) by inserting a paragraph requiring that, unless the 24 hour rest referred to in paragraph 4 of Schedule 7 to the 1997 Order is taken at the place of destination, it must be taken at a staging point approved under Council Regulation (EC) No. 1255/97 (article 8).

A regulatory impact assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Welfare Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey, KT6 7NF.