
WELSH STATUTORY INSTRUMENTS

2007 No. 1047

The Welfare of Animals (Transport) (Wales) Order 2007

PART 5

Miscellaneous

Powers of inspectors

24.—(1) If an inspector considers animals are being transported, or are to be transported, in a way which—

- (a) contravenes any provision of this Order; or
- (b) constitutes an offence against the Act by virtue of this Order,

he or she may serve a notice on the person appearing to him or her 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) 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 animals not fit to complete their journey to be unloaded, watered, fed or rested;
- (e) require the animals to be held in suitable accommodation with appropriate care until the problem identified in the notice is solved;
- (f) require the humane slaughter or killing of the animals; or
- (g) require a means of transport or container to be repaired or replaced before it is used to transport animals.

(3) Where it is necessary for identification purposes, an inspector may mark an animal.

(4) An inspector may take copies of any document inspected for the purpose of ascertaining whether the provisions of this Order, Council Regulation [\(EC\) No 1/2005](#) or Council Regulation [\(EC\) No 1255/97](#) have been complied with.

(5) An inspector may serve on the owner, or any person appearing to him or her to be in charge of a control post, a notice requiring him or her to take any action the inspector reasonably considers necessary to ensure compliance with, or remedy any infringement of, Council Regulation [\(EC\) No 1255/97](#).

(6) In particular, an inspector may—

- (a) require one or more animals at a control post to be removed from the control post;
- (b) specify conditions under which animals may remain there.

(7) In deciding whether to serve a notice under this article, an inspector may take into account any previous failure to comply with any provision of this Order, any other Order made under sections 37, 38 or 39 of the Act or point 8 of Annex II to Council Regulation (EC) No 1/2005 (return of documents after completion of journey).

(8) Where a person fails to comply with the requirements of a notice served under this article, an inspector may take any steps he or she considers necessary to ensure the requirement is met.

(9) The person in default must reimburse any reasonable expenses incurred by the National Assembly or the local authority in taking such steps and any such debt is recoverable summarily.

Compliance with notices

25. Any notice served under this Order must be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

Production of plans

26.—(1) The owner or charterer of any vessel to be used for the transport of animals must—

- (a) produce, on demand to an officer of the National Assembly plans of the vessel (including details of its ventilation system and any fittings for livestock); and
- (b) provide, on demand, such information concerning the vessel as the officer considers necessary to enable him or her to ascertain whether the provisions of this Order will be complied with during the proposed journey

(2) But no person has to provide any information which he or she cannot, with the exercise of reasonable diligence, obtain.

Obstruction

27. No person is to—

- (a) without reasonable cause, fail to give any person acting under Council Regulation (EC) No 1/2005, Council Regulation (EC) No 1255/97 or this Order any assistance or information which that person may reasonably require for the purposes of his or her functions under those Regulations or this Order;
- (b) provide false information on any journey log (whether submitted for approval, returned to the officer of the National Assembly after the journey or otherwise) or provide false or misleading information on any documentation carried pursuant to Article 4 of Council Regulation (EC) No 1/2005;
- (c) make an entry in a record or statement, or give any information for the purposes of this Order, which he or she knows to be false or misleading in any material particular or, for those purposes, recklessly make a statement or give any information which is false or misleading in any material particular; or
- (d) cause or permit any of the above.

Offences by bodies corporate

28.—(1) If an offence under this Order committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his or her part,

the officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Enforcement

29.—(1) This Order is enforceable by the local authority.

(2) The National Assembly may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) will be discharged by the National Assembly and not the local authority.

Amendments

30.—(1) The Transport of Animals (Cleansing and Disinfection) (Wales) (No 3) Order 2003⁽¹⁾ is amended as follows.

(2) In article 3, omit paragraph (2).

(3) Omit article 4.

(4) In article 5, omit paragraph (2).

(5) In article 9(4), omit “,4”.

Revocations

31. The Schedule (Orders revoked) has effect.

(1) O.S. 2003/1968 (Cy.213).