
STATUTORY INSTRUMENTS

1997 No. 1480

ANIMALS

ANIMAL HEALTH

The Welfare of Animals (Transport) Order 1997

Made - - - - *10th June 1997*

Coming into force - - *1st July 1997*

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, 7, 8(1), 37, 38(1), 39, 72, 83(2) and 87(2), (3) and (5)(a) of the Animal Health Act 1981⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Welfare of Animals (Transport) Order 1997 and shall come into force on 1st July 1997.

Application

2.—(1) Subject to paragraphs (2) and (3) below, this Order shall apply to the transport of—

- (a) the following domestic animals: cattle, sheep, pigs, goats and horses;
- (b) poultry, domestic birds and domestic rabbits;
- (c) domestic dogs and domestic cats;
- (d) all other mammals (except man) and birds;
- (e) other vertebrate animals and cold-blooded animals,

and for the purposes of the Animal Health Act 1981 in its application to this Order the definition of animals and poultry in section 87 of that Act shall be extended to cover all the above.

(2) This Order (except as provided for in paragraph (3) below) shall not apply:

- (a) to transport which is not of a commercial nature;
- (b) to the transport of any individual animal accompanied by a natural person who has responsibility for the animal during transport;
- (c) to the transport of pet animals accompanying their owner on a private journey.

(1) 1981 c. 22. See section 86(1) for a definition of “the Minister”, “the appropriate Minister” and “the Ministers”.

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

(4) The Secretary of State for Scotland may, if he thinks fit, exempt any person transporting animals within The Highlands and Islands Enterprise area from any of the provisions of this Order other than article 4(1) and article 6.

(5) An exemption under the preceding paragraph may be granted subject to conditions, and may be varied, suspended or revoked at any time.

(6) For the purposes of this article “the Highlands and Islands Enterprise area” has the meaning assigned to it by section 21(1) of the Enterprise and New Towns (Scotland) Act 1990(2).

Interpretation

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

“animal” includes bird;

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

“Community” means the European Community;

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

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

“inspector” means a person appointed to be an inspector for the purposes of the Animal Health Act 1981 by the Minister or by a local authority, and when used in relation to an officer of the Ministry, includes a veterinary inspector;

“journey” means transport from place of departure to place of destination;

“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 a box or stall;

“pigs” means all domestic animals of the porcine species;

“place of departure” means, subject to paragraphs (2) and (3) below, the place at which the animal is first loaded on to 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 transfer point or place where animals are rested in the course of a journey;

“place of destination” means the place at which an animal is finally unloaded from a means of transport, but excluding any transfer point or place where animals are rested in the course of a journey;

“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 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 any domestic animal of the ovine species;

“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 natural or legal person transporting animals—

- (a) on his own account,
- (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 carried out for the purpose of gain;

“transport of a commercial nature” means transport in the course of a trade or business;

“vehicle” means in relation to the transport of animals by road, 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

“veterinary inspector” means a veterinary inspector appointed by the Minister for the purposes of the Animal Health Act 1981.

(2) Markets and assembly centres approved for the purposes of intra-Area trade under Council Directive [64/432/EEC](#) (on animal health problems affecting intra-Community trade affecting bovine animals and swine⁽³⁾) or Council Directive [91/68/EEC](#) (on animal health conditions governing intra-Community trade in ovine and caprine animals⁽⁴⁾) may be regarded as places of departure where the first place of loading of the animals is 50 km or less from the said markets or assembly centres.

(3) Markets as described in paragraph (2) above may also be regarded as places of departure where, although the first place of loading of the animals is more than 50 km from the said markets, the animals have had a rest period of at least 12 hours and have been provided with an adequate quantity of suitable food and with an adequate quantity of liquid before being reloaded.

(4) Unless the context otherwise requires, any reference in this Order to a numbered article or Schedule is a reference to that article or Schedule in this Order.

(5) Any reference in this Order to a Community instrument is a reference to that instrument as amended at the date this Order is made.

(6) Any certificate or approval under this Order shall be in writing and may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

General provisions on the protection of animals in transport

4.—(1) No person shall transport any animal in a way which causes or is likely to cause injury or unnecessary suffering to that animal.

(3) OJ No. L121, 29.7.64 (Special Edition 1963–64, p.164) as last amended by Council Directive [95/25/EC](#), OJ No. L148, 30.6.95, p.52).

(4) OJ No. L46, 19.2.91, p.19 as last amended by Council Decision OJ No. L1, 1.1.95, p.1).

(2) Without prejudice to the generality of paragraph (1) above, 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 cattle, sheep, pigs, goats or horses shall do so in accordance with Schedules 1 and 2.

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

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

(6) Any person transporting mammals or birds of a type not mentioned in the preceding paragraphs shall do so in accordance with Schedules 1 and 5.

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

Space allowance

5.—(1) Without prejudice to the generality of article 4(1), no person shall transport any animal on a journey of over 50 km 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](#)(5)); and
- (b) consider the animal's weight, size and physical condition, the means of transport, the weather conditions and the likely journey time.

Fitness of animals to travel

6.—(1) No person shall transport any animal unless—

- (a) it is fit for the intended journey, 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) above, for the purposes of this article an animal shall not be considered fit for its intended journey if it is ill, injured, infirm or fatigued, unless it is only slightly injured, ill, infirm or fatigued and the intended journey is not likely to cause it unnecessary suffering.

(3) For the purposes of this article mammals shall not be considered fit for transport if they—

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

(4) For the purposes of this article, infant mammals and infant birds specified in article 2(1)(d) which are not accompanied by their mother shall not be considered fit for their intended journey if they are incapable of feeding themselves.

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

(5) Notwithstanding the provisions of paragraph (1) above, animals transported while undergoing regulated procedures authorised under the Animals (Scientific Procedures) Act 1986⁽⁶⁾ may be transported provided that they are not likely to be caused injury or unnecessary suffering by the intended journey.

(6) Notwithstanding the provisions of paragraphs (1) and (2) above, any cattle, sheep, pigs, goats and horses 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. However, an animal transported under the provisions of this paragraph may not be dragged or pushed by any means, or lifted by a mechanical device, unless this 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.

(7) No person shall transport a deer in velvet unless the journey is of 50 km or less and special precautions are taken to protect it from injury or unnecessary suffering.

Treatment of sick animals

7.—(1) Where animals fall ill or are injured during transport, the person in charge of the animals shall ensure that they receive first-aid treatment as soon as possible, that they are given appropriate veterinary treatment and if necessary are 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 journey, the master of the vessel or the commander of the aircraft shall, if he considers it necessary 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.

(3) Subject to the provisions of section 46 of the Animal Health Act 1981 (which provides for the slaughter of injured horses), the requirements of paragraph (2) shall not apply in relation to horses.

Feeding and watering, travelling times and rest periods

8.—(1) No person shall 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 liquid and food and if necessary cared for.

(2) In the case of cattle, sheep, pigs, goats and horses (except registered horses), the transporter shall ensure that they are rested, and offered liquid 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 liquid 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 the journey they are fed at intervals of not more than 24 hours and given liquid 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

(6) 1986 c. 14.

feeding and watering and any special care required accompany the animals and that the 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 horses, it shall be for the transporter to prove that the animals being transported are registered.

Accompaniment of vertebrate animals by competent persons

9.—(1) Any transporter who transports vertebrate animals on a journey of over 50 km shall ensure that the persons to whom he entrusts the animals includes at least one person who has either—

- (a) specific training, or
- (b) equivalent practical experience,

qualifying him to handle and transport vertebrate animals and to administer, if necessary, appropriate care, and who has sufficient knowledge of and abilities in the competencies set out in Schedule 8 to enable him to safeguard the welfare of the animals being transported.

(2) Paragraphs (3) to (5) below shall only apply in relation to a journey beginning after 1st July 1998 which involves the transport of cattle, sheep, pigs, goats or horses, either by road vehicle for a journey lasting 8 hours or more, or by another means of transport irrespective of the length of the journey.

(3) 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 Minister.

(4) 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 Minister, 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 recorded in writing and a copy given to the person who has been assessed.

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

(6) 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 ensure that the animals are transported without delay to their place of destination.

(2) In the case of animals 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.

IATA and CITES

11.—(1) No person shall transport an animal by air except in compliance with the standards set by the International Air Transport Association(7).

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

(2) No person shall transport an animal to which the Convention on International Trade in Endangered Species⁽⁸⁾ 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.

Authorisations and registration

12.—(1) No person shall transport vertebrate animals by sea or air, or by any other means of transport involving a journey over 50 km, except under—

- (a) in the case of a transporter established in Great Britain, an authorisation granted under this article to the transport undertaking by the Minister;
- (b) in the case of a transporter established in Northern Ireland, the Isle of Man or the Channel Islands, an authorisation to transport animals granted by the appropriate competent authority;
- (c) in the case of a transporter established in another member State, an equivalent authorisation 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, an authorisation 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) An authorisation granted by the Minister under this article—

- (a) shall be in writing;
- (b) may be general or, after 1st October 1997, specific; and
- (c) may be made subject to conditions.

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

(4) In the case of a transporter authorised outside the United Kingdom, if the Minister is satisfied that serious or repeated infringements have taken place against this Order or any other legislation implementing Council Directive [91/628/EEC](#) in the United Kingdom, 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 Minister may, by notice in writing served on the transporter, temporarily prohibit the transporter from transporting vertebrate animals in Great Britain.

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

Route plans

13.—(1) This article shall apply in relation to horses (other than registered horses), cattle, sheep, pigs and goats, where the animals are traded between member States or exported to third countries, provided that the journey time exceeds 8 hours.

(2) If there is more than one transporter for 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 on paper and sign a route plan which is in a form approved by the Minister containing the information set out in Schedule 11 and which covers the whole period of the journey.

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

(4) The transporter shall submit the signed route plan with his application for an export health certificate to the person appointed by the Minister to receive such documents for the area in which the journey will begin.

(5) If he is satisfied that the proposed journey is in compliance with the provisions of this Order, the person appointed by the Minister shall mark on the route plan the number or numbers of the export health certificates of the animals, stamp the route plan and ensure that it is returned to the transporter with the signed health certificate.

(6) No person shall transport animals on a journey to which this article applies unless he has received from the person appointed by the Minister 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 the journey exceeds the time limits set out in Schedule 7, the transport of the animals is not begun unless—

- (a) reservations have been made at all stopping 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 liquid 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 time such feeding and watering takes place.

(10) Both the transporter of the animals 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 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 person referred to in paragraph (4) above, and shall keep proof that it was sent and of the date on which it was sent for a period of 6 months.

(12) The transporter shall keep a second copy of the route plan for a period of 6 months from completion of the journey, and shall produce it on demand at the request of an inspector and allow copies to be taken.

(13) In the case of exports direct to third countries from Great Britain, where the journey time within the European Union exceeds 8 hours, or where the animals are being exported to third countries by sea and the total travelling time exceeds 8 hours, the transporter—

- (a) shall ensure that the route plan is certified (by means of stamp and signature) at the point of departure from Great Britain 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, sends back the route plan to the person referred to in paragraph (4) above.

(14) If a transporter is a limited company, the route plan shall be signed by a director of that company or a person within the company 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 if required by an inspector that the animals being transported are registered.

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 Schedule 7 Part II 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 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 km 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 which are not cattle, sheep, pigs, goats, horses or poultry and domestic birds, the provisions in paragraph (1) shall not apply in relation to journeys of 50 km or less.

(4) The transporter shall keep a copy of the documentation for a period of 6 months from the completion of the journey, and shall produce it to an inspector on demand and allow copies to be taken.

(5) Where a copy of the documentation required to be kept in accordance with paragraph (4) above is kept in an electronic or magnetic form, references in that paragraph—

- (a) to production of the copy shall be, if the inspector so requires, references to its production in a written form; and
- (b) to allowing copies to be taken, shall be references to the taking thereof in a written form.

Exceptions

15.—(1) Where cattle, sheep, pigs, goats or horses are transported for a distance of 50 km or less, to, from or within land used for agricultural purposes in a vehicle owned by the owner or occupier of that land and the vehicle has an internal length of not more than 3.7 m available for the carriage of animals, then the following provisions shall not apply—

- (i) article 14 (documentation);
- (ii) paragraph 4 of Part I of Schedule 2 (overhead protection);
- (iii) paragraph 5 of Part I of Schedule 2 (provision of barriers or straps);
- (iv) paragraph 11 of Part II of Schedule 2 (internal ramps and lifting gear); and
- (v) paragraph 6 of Part I of Schedule 1 to the Transit of Animals (Road and Rail) Order 1975(9).

(2) Where cattle, sheep, pigs, goats or horses are transported for a distance of 50 km or less in a vehicle which is used exclusively, in the course of a single day, for the transport of such animals between the same two points, other than between two markets, paragraph 26(1) of Part II of Schedule 1 (Cleaning and disinfection) shall not apply.

(9) [S.I. 1975/1074](#) to which there are amendments not relevant to this Order.

Third countries

16.—(1) No person shall import any animal from outside the European Union into Great Britain, either for consignment to a destination in Great Britain or transit through Great Britain, unless he has given a written undertaking to the Minister to comply with the requirements of Council Directive 91/628/EEC on the protection of animals during transport⁽¹⁰⁾ and has made arrangements to comply with them.

(2) No person shall transport vertebrate animals from Great Britain 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 10 (which, after it has been made, shall remain valid for all such journeys).

Enforcement

17.—(1) This Order shall be executed and 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 executed and enforced by him and not by the local authority.

Powers of an inspector

18.—(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 any provision 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) above, an inspector may in particular—

- (a) prohibit that 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 solved; or
- (e) require the humane slaughter of the animals.

(3) If it is necessary for identification purposes, an inspector may mark an animal and it shall be an offence against the Animal Health Act 1981 for any person to remove, deface, obliterate or alter such mark.

(4) If any person fails to comply with the requirements of a notice served under this article, the inspector shall have powers to carry out those requirements himself, or cause them to be carried out, and the transporter shall be liable for the cost of such action.

(5) In deciding whether or not to serve a notice under this article, an inspector appointed by the Minister may take into account any previous failure to comply with any provision of this Order or of any other Order made under section 37, 38 or 39 of the Animal Health Act 1981 and in particular any failure to submit a completed and correct route plan at the end of any previous journey.

⁽¹⁰⁾ OJ No. L340, 11.12.91, p.17.

Production of plans

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

- (a) produce to an officer of the Minister, on demand, 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 officer considers necessary to enable him to ascertain whether the provisions of this Order will be complied with during the proposed journey.

(2) No person shall be obliged by virtue of paragraph (1) to provide any information which he cannot, with the exercise of reasonable diligence, obtain.

Offences by bodies corporate

20.—(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 have been 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 an offence under this Order is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Offences

21. Any person who without lawful authority or excuse, proof of which shall lie on him—

- (a) contravenes or fails to comply with any provision of this Order;
- (b) provides false information on any route plan (whether when submitted for approval, returned to the officer of the Minister after the journey or otherwise) or provides false information on any documentation carried pursuant to article 14;
- (c) makes any entry in a record or statement, or gives any information for the purposes of this Order which he knows to be false in any material particular or, for those purposes, recklessly makes a statement or gives any information which is false in any material particular; or
- (d) causes or permits any of the above,

commits an offence against the Animal Health Act 1981.

Revocations and disapplication

22. The provisions of Schedule 12 (revocations and disapplication) shall have effect.

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

10th June 1997 *Elliot Morley*
Parliamentary Secretary Ministry of Agriculture,
Fisheries and Food

3rd June 1997 *Sewel*
Parliamentary Under-Secretary of State Scottish
Office

Signed by authority of the Secretary of State for Wales

9th June 1997 *Win Griffiths*
Parliamentary Under-Secretary of State Welsh
Office

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

Size

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, 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, marked fluctuations in air pressure, excessive humidity, heat or cold.

Projections and sharp edges

6. Means of transport and receptacles shall be free from any sharp edges and projections 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 so as to allow appropriate cleaning and disinfection.

Escape-proof

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

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

Noise and vibration

9. Means of transport and receptacles shall be constructed, maintained and operated so as 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.

Use of partitions

11.—(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 so as to prevent injury or unnecessary suffering to animals as a result of—

- (a) lack of support; or
- (b) being thrown about during transport.

Design of partitions

12. Partitions shall be—

- (a) of rigid construction;
- (b) strong enough to withstand the weight of any animal which may be thrown against them; and
- (c) constructed and positioned so that they do not interfere with ventilation.

Special provisions for rail wagons

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

14. 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 high speed; and
- (c) provided with sufficiently large air vents or a ventilation system which is effective even at low speeds.

15. 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

16. 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

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

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

19.—(1) Enclosed decks of a vessel 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 animals throughout the voyage.

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

21. 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 that it is adequately ventilated bearing in mind that the air flow is restricted in the confined space of the vessel's 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

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

Loading and unloading

23. 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; or

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(b) contact with any part of the means of transport or receptacle or with any other obstruction.

Emergency unloading

24. Unless an animal can be loaded and unloaded in accordance with the provisions of paragraph 10(6) or (7) of Part II of Schedule 2 below, a vehicle shall, at all times, carry the means to enable 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

25.—(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 road vehicle, receptacle, rail wagon or pen as an animal, other than the carcase of an animal which dies in the course of a journey.

Cleaning and disinfection

26.—(1) Animals shall be loaded only into means of transport or receptacles which have been thoroughly cleaned and where appropriate, disinfected.

(2) Dead animals, soiled litter and droppings shall be removed from means of transport or receptacles as soon as possible.

Litter

27. 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.

Labelling of receptacles

28. 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

29. Receptacles shall be secured so as to prevent their displacement during transport.

Humane slaughter on vessels and aircraft

30. Vessels and aircraft on which animals are transported shall carry appropriate means for effecting the humane slaughter of the type of animal being carried if necessary.

Attendants

31.—(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—

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

SCHEDULE 2

Article 4(3)

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. 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.

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 the animals.

(2) Without prejudice to the generality of paragraph (1) above, 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 road vehicles

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

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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 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 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 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 Great Britain receptacles or pens used on an exposed deck of a vessel shall have been approved by the Minister before the animals are loaded.

(2) The Minister shall not grant an approval under this paragraph unless he 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 PROVISIONS 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) below they 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) Subject to sub-paragraph (6) below, 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) Sub-paragraph (4) above 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.

(6) 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 operation is carried out without causing injury or unnecessary suffering to the animal.

(7) 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) below, 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 animals 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.

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) designed 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) and (4), 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; or
- (f) a stallion.

(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.

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(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) No unsecured animal shall 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 Rules of Racing accompanied by an animal which is its companion.

(6) No animal shall 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 adults shall be segregated from females 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(6), animals shall not be suspended by mechanical means, nor lifted or dragged by the head, horns, legs, tail or fleece.

(2) No person shall use excessive force to control animals.

(3) Subject to sub-paragraph (4) below, no person shall use—

- (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 cattle of six months or under;
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.

(4) The prohibition in sub-paragraph (3)(a) above shall not apply to the use of any instrument of a kind mentioned in that sub-paragraph, on the hindquarters of any cattle over the age of six months or on adult pigs which are refusing to move forward when there is space for them to do so, but the use of any such instrument shall be avoided as far as possible.

(5) 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 liquid for drinking (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 3

Article 4(4)

PART I

ADDITIONAL REQUIREMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF MEANS OF TRANSPORT AND RECEPTACLES OF 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 as to protect the animals from injury or unnecessary suffering during transport.

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

5. Birds shall not be carried in a sack or bag.

PART II

ADDITIONAL PROVISIONS FOR THE TRANSPORT OF POULTRY AND DOMESTIC BIRDS AND DOMESTIC RABBITS

Lifting of birds

6. 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 birds

7. 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, road vehicle or rail wagon as an animal of any other species.

Segregation of birds

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

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

(2) Chicks shall be segregated from all other poultry except their mother or other chicks.

(3) 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.

10. In this Schedule “birds” means poultry and domestic birds.

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 adequate 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 road 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 PROVISIONS 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 other species, except in the case of companion animals if separation would cause either distress.

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

(3) No animal shall 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 during the journey.

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(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 liquid for drinking (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 adequate 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 provision 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 road 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 (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; and
- (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 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. In the case of the 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 PROVISIONS 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) below they 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 the operation 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 or unloaded 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) below, 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 animals concerned.

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(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. No animal shall be placed 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 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 provisions for transport by water

13. Vessels used for the transport of animals shall, before sailing, be provided with sufficient supplies of liquid for drinking (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 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 liquid and oxygen as are appropriate for the species concerned.

SCHEDULE 7

Articles 8, 13 and 14

PART I

WATERING AND FEEDING INTERVALS, JOURNEY TIMES AND RESTING PERIODS FOR CATTLE, SHEEP, PIGS, GOATS AND FOR HORSES (EXCEPT REGISTERED HORSES)

1. Subject to the provisions of this Schedule, journey times shall not exceed 8 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) the transporting vehicle carries appropriate feed for the animal species transported and for the journey time,
 - (c) there is direct access to the animals,
 - (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) vehicles are equipped for connection to a water supply during stops, and
 - (g) in the case of vehicles for transporting pigs, sufficient liquid is carried for drinking during the journey.
3. The watering and feeding intervals, journey times and rest periods which shall apply when a road vehicle meets 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 must, after 9 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 9 hours;
 - (b) pigs may be transported for a maximum period of 24 hours. During the journey, they must have continuous access to liquid;
 - (c) horses may be transported for a maximum period of 24 hours. During the journey they must be given liquid and if necessary fed every 8 hours; and
 - (d) all other cattle, sheep and goats to which this Schedule applies must, after 14 hours of travel, be given a rest period of at least one hour sufficient for them in particular to be given liquid 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 must be unloaded, fed and watered and be rested for at least 24 hours.
5. Animals must not be transported by train if the maximum journey time exceeds 8 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.
- 6.—(1) Animals must not be transported by sea if the maximum journey time exceeds that laid down in paragraph 1, unless the conditions laid down in paragraphs 2 and 3, apart from journey times and rest periods, are met.
 - (2) 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,

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the latter must 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 general scheme of paragraphs 1 to 3.

7. In the interests of the animals, the journey times in paragraphs 3 and 6(2) may be extended by 2 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. The provisions in this Part shall apply where a journey involves passing through a market, and the documentation is unavailable to a person transporting animals from that market to establish the time the animals left the point where the journey to that market began.

9. If a person transports from a market animals which he did not take to that market, the documents 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. If a journey to market was not more than 4 hours, no person shall transport animals from that market for more than 4 hours except in accordance with the following 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. The journey from the market shall be in a vehicle complying with paragraph 2 of Part I of this Schedule.

13. Unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets may be transported for 9 hours from a market if the journey to market was not more than 4 hours (or 9 hours if it was in a vehicle complying with paragraph 2 of Part I of this Schedule).

14. Pigs or horses may be transported for 8 hours from a market if the journey to market was not more than 4 hours (or 8 hours if it was in a vehicle complying with paragraph 2 of Part I of this Schedule).

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

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 of this Schedule relating to the transport of animals to the market were satisfied.

SCHEDULE 8

Article 9

FRAMEWORK OF COMPETENCES

1. Knowledge of which people are responsible for the welfare of animals during transport.
2. Understanding of when to seek veterinary help and knowledge of which body or organisation to contact with general questions, for example, about transport conditions; matters of law or documentation.

3. Knowledge of the powers of enforcement authorities to inspect animals, documentation and vehicles before, during and after the journey.
4. Basic knowledge of the authorisation requirements for transporters and when such authorisation is necessary.
5. Knowledge of how 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.
6. Understanding of when a route plan or documentation are required and how to complete these documents.
7. Knowledge of vehicle construction and use requirements in current welfare legislation.
8. Ability to load, operate and control a vehicle safely, efficiently and effectively so as to ensure the welfare of the animals.
9. Knowledge of 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 handling methods which are prohibited.
10. Knowledge of the specific requirements of the Order relating to different species for rest, feed and liquid.
11. Knowledge of stocking densities (effects of overcrowding and understocking) and headroom and segregation requirements, taking into account species being transported, method of transport, gender, condition, age, length of journey and ambient conditions.
12. Understanding of the importance for animal welfare of temperature, both inside and outside the vehicle, including the effect on different species and the need for adjustment of ventilation.
13. Ability to clean and disinfect vehicles and knowledge of when it is necessary to do so before and after the journey.
14. Elementary knowledge of the causes of stress in animals; ability to recognise the signs of stress and ill-health, and basic knowledge of how to reduce the symptoms.
15. 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.

SCHEDULE 9

Article 12

PROVISIONS RELATING TO AUTHORISATIONS

Specific and general authorisations

- 1.—(1) An authorisation may be—
 - (a) a specific authorisation, that is, an authorisation issued by the Minister to a transporter named in the authorisation on an application made by him, which covers such activities as are described in the authorisation, or
 - (b) a general authorisation, that is, an authorisation issued by the Minister which does not name individual transporters and which covers such transporters resident in Great Britain (or, in the case of a body corporate, incorporated in Great Britain) and such activities as are described in the authorisation.

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(2) After 1st October 1997 a specific authorisation shall be required for any transporter who transports cattle, sheep, pigs, goats and horses, except for those transporters concerned only with journeys of less than 8 hours in road vehicles.

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

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

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

(6) A specific authorisation shall not be issued to more than one transporter.

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

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

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

Authorisation holder to be a fit person

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

(2) In determining whether a transporter applying for a specific authorisation is a fit person to transport animals, the Minister shall have regard to any circumstances appearing to him 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 Minister to be a controller of the body corporate or an associate of any such person, has—

- (a) committed any offence involving animal welfare,
- (b) contravened any provision of this Order or any other Order made under section 37, 38 or 39 of the Animal Health Act 1981; or
- (c) previously been responsible for anything which would cause the Minister to revoke or suspend an authorisation under the provisions of the following paragraph.

(3) A person operating under an authorisation, whether specific or general, shall give to an officer of the Minister such information as the Minister may reasonably require concerning the transport under the authorisation; and failure to provide such information, or providing false information, shall be an offence against the Animal Health Act 1981.

(4) A holder of a specific authorisation who intends to transport vertebrate animals under a trading name different from that specified in the authorisation shall notify the Minister of the name before he transports any animals under that name.

Suspension and revocation

3.—(1) The Minister may revoke or suspend a specific authorisation, or remove a transporter from a general authorisation, either temporarily or permanently, in the event of any of the following,

involving either the transporter or, if it appears to the Minister to be relevant, any associate, employee or agent of the transporter—

- (a) repeated infringements in Great Britain 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 criminal conviction;
- (b) in the case of a journey taking place partly in Great Britain and partly outside Great Britain—
 - (i) any breach of the rules relating to route plans, or
 - (ii) repeated infringements of national legislation 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 criminal conviction.

(2) The Minister shall by notice in writing inform the transporter that he is minded to revoke the authorisation, or suspend it until a specified date or indefinitely.

Written representations

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

(2) On issuing a specific authorisation to a person the Minister shall notify him of the effect of subsection (1) above.

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

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

(5) If the Minister, by notice in writing served on a transporter, either excludes that transporter from the operation of a general authorisation 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 Minister's reasons the transporter makes written representations to the Minister concerning the matter to which the notice is related, the Minister shall refer the transporter's representations to an appointed person.

(7) A notice under this paragraph giving the Minister's reasons shall notify the transporter of the effect of subsection (6) above.

Appointed persons

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

(2) The appointed person shall serve on the person who made the 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 hearing.

(3) The notice shall specify the place, date and time of the hearing and the date of the hearing 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 hearing.

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

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

(6) The appointed person shall consider—

- (a) the reasons given by the Minister under this Schedule; and
- (b) any representations made under this Schedule

and shall make a report to the Minister after the close of his consideration, giving his findings of fact and his recommendations, and the Minister shall reconsider his decision in the light of the report.

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

Interpretation

6. 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, but in addition to the persons specified in that Act shall include a business associate; and

“employee” shall have the same meaning as in section 230(1) of the Employment Rights Act 1996.

Duty to notify changes

7.—(1) Within 21 working days after—

- (a) any change takes place in the officers of a body corporate which is the holder of a specific authorisation, or a body corporate which is a controller of a body corporate which holds such an authorisation, or
- (b) a body corporate which holds such an authorisation becomes aware that a person has become or ceased to be a controller of the body corporate,

the holder of the authorisation shall give the Minister notice of the change.

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

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

SCHEDULE 10

Article 16

FORM OF UNDERTAKING

I declare that, in transporting vertebrate animals from Great Britain 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 of the Welfare of Animals (Transport) Order 1997.

Signed

Name in block letters

Position in the transport company

Date

SCHEDULE 11

Article 13

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 authorisation (if any).
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.

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15. Actual date and time of arrival at the final destination (local time).

SCHEDULE 12

Article 22

REVOCATIONS AND DISAPPLICATION

PART I

DISAPPLICATION

The provisions of the Export of Animals (Protection) Order 1981⁽¹¹⁾ shall not apply to the export of animals to another member State of the European Union.

PART II

ORDERS REVOKED IN FULL

The following orders are hereby revoked in full:

- (a) The Transit of Animals (Amendment) Order, 1927 (S.R. & O. 1927/399)
- (b) The Animals (Sea Transport) Order, 1930 (S.R. & O. 1930/923)
- (c) The Animals (Sea Transport) (Amendment) Order, 1932 (S.I. 1932/4984)
- (d) The Transit of Animals (Amendment) Order, 1939 (S.I. 1939/5842)
- (e) The Horses (Sea Transport) (Amendment) Order, 1958 (S.I. 1958/1272)
- (f) The Transit of Animals (General) Order, 1973 (S.I. 1973/1377)
- (g) The Transit of Animals (Road and Rail) (Amendment) Order, 1979 (S.I. 1979/1013)
- (h) The Transit of Animals (Amendment) Order, 1988 (S.I. 1988/815)
- (i) The Welfare of Poultry (Transport) Order, 1988 (S.I. 1988/851)
- (j) The Welfare of Poultry (Transport) (Amendment) Order, 1989 (S.I. 1989/52)
- (k) The Welfare of Animals during Transport Order, 1994 (S.I. 1994/3249)
- (l) The Welfare of Animals during Transport (Amendment) Order, 1995 (S.I. 1995/131)

PART III

ORDERS REVOKED IN PART

The following Orders are hereby revoked in part:

Title of Order	Reference	Extent of Revocation
(a) (a) The Transit of Animals Order, 1927	S.R. & O. 1927/289	The whole Order except for Articles 1, 2, 8, 9, 21, 22, 23, 27, 28, 29 and 34.

⁽¹¹⁾ S.I. 1981/1051.

Title of Order	Reference	Extent of Revocation
(b) (b) The Horses (Sea Transport) Order, 1952	S.I. 1952/1291	The whole Order except for Articles 2, 14, 15 and 16.
(c) (c) The Transit of Animals (Road and Rail) Order, 1975	S.I. 1975/1024	Articles 1, 4(1), (2) and (4), 6(1), (2), (4), (5) and (7) to (11), 7, 8(5) to (7), 9, 13, 14, 15(4) and (5), and 22, Schedule 1, Part 1 (except paragraphs 5 and 6) and Schedules 2, 4 and 5.

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, 1994, as amended, and other animal welfare legislation, which together with that Order implemented Council Directive [91/628/EEC](#) on the protection of animals during transport (OJ No. L340, 11.12.91, p.17).

This Order implements that Directive as amended by Council Directive [95/29/EEC](#) (OJ No. L18, 30.6.95, p.52). The extent of its application is set out (article 2).

The Order makes general provision for the welfare of animals in 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 in the course of 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).

The Order makes provision for the authorisation 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).

The Order excepts certain journeys from certain of its provisions (article 15). It contains requirements relating to the transport of animals to and from third countries (article 16).

The Order is enforced by local authorities (article 17).

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Inspectors are given powers to require compliance with the Order, including the power to stop a journey. Ministry inspectors may take into account a previous failure to comply with the Order, including a failure to submit a route plan, in exercising these powers (article 18).

Owners or charterers of vessels used to transport animals are required to produce information on demand to an officer of the Minister of Agriculture, Fisheries and Food, which may include a plan of the vessel (article 19).

A contravention of any provision of the Order constitutes an offence against the Animal Health Act 1981 punishable in accordance with section 75 of the Act (article 21).

A Compliance Cost 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.