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STATUTORY INSTRUMENTS

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**2023 No. 287**

**ANIMALS**

**ANIMAL WELFARE**

**The Welfare of Animals (Transport) (Miscellaneous Amendments) (England and Scotland) Regulations 2023**

<i>Made</i>	- - - -	<i>8th March 2023</i>
<i>Laid before Parliament</i>		<i>9th March 2023</i>
<i>Coming into force</i>	- -	<i>6th April 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 30(1) and 30a(8) of Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations<sup>(1)</sup> (“Regulation (EC) 1/2005”) and Articles 144(6) and 154(2) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>(2)</sup> (“Regulation (EU) 2017/625”).

In accordance with Article 2a(2) of Regulation (EC) 1/2005 and Article 3(2B) of Regulation (EU) 2017/625, the Scottish Ministers, in relation to the application of these Regulations to Scotland, have consented to the Secretary of State making these Regulations.

In accordance with Article 30a(9) of Regulation (EC) 1/2005 and Article 144(7) of Regulation (EU) 2017/625, the Secretary of State and the Scottish Ministers have consulted such bodies or persons as appear to them to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as they consider appropriate.

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Welfare of Animals (Transport) (Miscellaneous Amendments) (England and Scotland) Regulations 2023.

(2) These Regulations come into force on 6th April 2023.

(3) Regulations 2 and 3 extend to England and Wales and Scotland and apply in relation to England and Scotland.

(4) Regulation 4 extends to England and Wales and applies in relation to England.

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(1) EUR 2005/1, amended by S.I. 2019/588 (as amended by S.I. 2020/1590); there are other amending instruments but none is relevant. See Article 2a for the definition of “the appropriate authority”.

(2) EUR 2017/625; relevant amending instruments are S.I. 2020/1481, 2022/846.

(5) Regulation 5 extends to Scotland.

#### **Amendment to Council Regulation (EC) No 1/2005**

2. For Annex 2 to Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations<sup>(3)</sup> substitute the Annex contained in the Schedule to these Regulations.

#### **Specified date for the purposes of Article 154(2) of Regulation (EU) 2017/625**

3. The specified date for the purposes of Article 154(2) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>(4)</sup> is 6th April 2023.

#### **Amendments to the Welfare of Animals (Transport) (England) Order 2006**

4.—(1) The Welfare of Animals (Transport) (England) Order 2006<sup>(5)</sup> is amended as follows.

(2) In article 2(3), at the end of sub-paragraph (b) insert—

“;

(c) Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products”.

(3) In article 20(2)—

(a) in sub-paragraph (b), for “point 3(b)” substitute “paragraph 4(c)”;

(b) omit sub-paragraphs (c), (d), (g), (h) and (i).

(4) In article 24—

(a) in paragraph (4), at the end insert “or in the course of performing official controls under Regulation (EU) 2017/625”;

(b) in paragraph (7), for “point 8” substitute “paragraph 13(b)”.

(5) In article 27(a), after “1255/97”, insert “, Regulation (EU) 2017/625”.

#### **Amendments to the Welfare of Animals (Transport) (Scotland) Regulations 2006**

5.—(1) The Welfare of Animals (Transport) (Scotland) Regulations 2006<sup>(6)</sup> is amended as follows.

(2) In regulation 2—

(a) omit the “and” after the definition of “inspector”;

(b) after the definition of “local authority”, insert—

“and;

“Regulation (EU) 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products”.

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(3) EUR 2005/1; relevant amending instruments are S.I. 2019/802 (as amended by S.I. 2020/1590), 2022/846.

(4) EUR 2017/625; relevant amending instruments are S.I. 2020/1481, 2022/846;

(5) S.I. 2006/3260, amended by S.I. 2019/1488; there are other amending instruments but none is relevant.

(6) S.S.I 2006/606, amended by S.S.I 2019/34 there are other amending instruments but none is relevant.

- (3) In regulation 18(2)—
  - (a) in sub-paragraph (b), for “point 3(b)” substitute “paragraph 4(c)”;
  - (b) omit sub-paragraphs (c), (d), (g), (h) and (i).
- (4) In regulation 22—
  - (a) for paragraph (5) substitute—
    - “(5) An inspector may—
      - (a) inspect any document for the purpose of ascertaining whether the provisions of these Regulations, Council Regulation (EC) No. 1/2005, or Council Regulation (EC) No. 1255/97 have been complied with; and
      - (b) take copies of any such document inspected or any other document inspected in the course of performing official controls under Regulation (EU) 2017/625.”;
    - (b) in paragraph (8), for “point 8” substitute “paragraph 13(b)”.
- (5) In regulation 26(a), after “1255/97”—
  - (a) in the first place it occurs, insert “or Regulation (EU) 2017/625”;
  - (b) in the second place it occurs, insert “, Regulation (EU) 2017/625”.

8th March 2023

*Spencer*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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

SCHEDULE

Regulation 2

New Annex 2 to Council Regulation (EC) No 1/2005

“ANNEX 2

Articles 5(4) and 8(2)

JOURNEY LOG

**Interpretation**

1. In this Annex—

- (a) “journey” means a journey of the kind described in Article 5(4);
- (b) “organiser” means the person who has overall responsibility for planning a journey and preparing the journey log in respect of the journey;
- (c) references in paragraphs 7, 8, 10, 11, 13 and 14 to the journey log in relation to a journey are to the journey log which is or was required to accompany the animals during the journey (as the case may be).

**Form of journey log**

2. A journey log must comprise the following sections—

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Section 1 – Planning

Section 2 – Place of departure

Section 3 – Place of destination or place of transit

Section 4 – Declaration by transporter

Section 5 – Specimen anomaly report

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3. Each Section must be in the form published by the Appropriate Minister from time to time and, where the journey log is in paper form, the Sections must be fastened together.

**Obligations of the organiser**

4. The organiser of a journey must—

- (a) compile a journey log for the journey in accordance with paragraphs 2 and 3;
- (b) complete and sign Section 1 of the journey log;
- (c) submit the completed and signed copy of Section 1 of the journey log to the competent authority for its written approval, in the manner required by the competent authority, at least two working days before the proposed departure date;
- (d) comply with any written instructions from the competent authority for the purpose of enabling the competent authority to verify whether the details of the proposed journey in Section 1 of the journey log are realistic and indicate compliance with this Regulation; and
- (e) ensure that the proposed journey does not commence before the competent authority has confirmed in writing that—
  - (i) it is satisfied that the details of the proposed journey in Section 1 of the journey log are realistic and indicate compliance with this Regulation; and

- (ii) the GB transporters named in the journey log have valid transporter authorisations, valid certificates of approval for their means of transport and valid certificates of competence for any drivers and attendants.

5. The organiser must ensure that the journey log which has been approved for a journey in accordance with paragraph 4(e)(i) accompanies the animals throughout the entire journey from their place of departure to their place of destination.

6. In paragraph 4—

- (a) “proposed departure date” means the day on which the proposed journey set out in Section 1 of the journey log is to commence;
- (b) “GB transporter” means a transporter who is authorised to carry out journeys in accordance with Article 11;
- (c) in point (e), the reference to the details of the proposed journey in Section 1 of the journey log includes any details which have been amended following the submission of that Section to the competent authority pursuant to point (c) of paragraph 4.

#### **Completion of Sections 2 and 3 of a journey log**

7. Where the place of departure, the place of transit (if any) or the place of destination in respect of a journey is in Great Britain, the keeper of the animals at any such place must—

- (a) complete and sign Section 2 or 3 of the journey log (as the case may be) at the relevant time; and
- (b) inform the competent authority as soon as possible of any reservations the keeper may have regarding compliance with this Regulation by—
  - (i) completing a copy of Section 5 of the journey log; and
  - (ii) transmitting the completed copy of that Section, together with a copy of Section 1 of the journey log, to the competent authority.

8. Where the place of departure, the place of transit (if any) or the place of destination in respect of a journey is outside Great Britain, the organiser must ensure that the keeper of the animals at any such place—

- (a) completes and signs Section 2 or 3 of the journey log (as the case may be) at the relevant time; and
- (b) informs the competent authority as soon as possible of any reservations the keeper may have regarding compliance with this Regulation by—
  - (i) completing a copy of Section 5 of the journey log; and
  - (ii) transmitting the completed copy of that Section, together with a copy of Section 1 of the journey log, to the competent authority.

9. In paragraphs 7(a) and 8(a), “relevant time”, in relation to a journey, means—

- (a) in the case of the keeper of the animals at the place of departure, immediately prior to the loading of the animals at the place of departure;
- (b) in the case of the keeper of the animals at a place of transit or at the place of destination, immediately after the animals have been unloaded at the place of transit or the place of destination (as the case may be).

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#### **Completion of Section 4 of a journey log**

**10.** Where the animals being transported on a journey are transported from their place of departure to their place of destination by a single transporter, the transporter must complete and sign Section 4 of the journey log on completion of the journey.

**11.** Where the animals being transported on a journey are transported from their place of departure to their place of destination by more than one transporter—

- (a) any transporter who is responsible for transporting the animals in Great Britain must complete and sign Section 4 of the journey log at the relevant time; and
- (b) the organiser of the journey must ensure that any transporter who is only responsible for transporting the animals for a stage of the journey which takes place entirely outside Great Britain completes and signs Section 4 of the journey log for the journey at the relevant time.

**12.** In paragraph 11, “the relevant time” means on completion of that part of the journey for which the transporter was responsible for transporting the animals.

#### **Submission and retention of a journey log**

**13.** The organiser of a journey must ensure that—

- (a) the journey log has been properly completed and signed before the journey log is submitted to the competent authority pursuant to point (b); and
- (b) the completed and signed journey log, or where the journey log is in paper form, a copy of the completed and signed journey log, is submitted to the competent authority no later than one month after the day on which the animals were unloaded at their place of destination.

**14.** Where the journey log is in paper form, the organiser must keep the original completed and signed journey log for a period of three years following completion of the journey and make it available to the competent authority on request.”

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations (EUR 2005/1) and make provision for the purposes of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (EUR 2017/625).

Regulation 2 amends, in relation to England and Scotland, Annex 2 to Council Regulation (EC) No 1/2005 which relates to the preparation and completion of journey logs that are required under Article 5(4) of that Regulation for certain journeys involving the transportation of animals.

Regulation 3 specifies, in relation to England and Scotland, the date on which the transitional measures in Article 154(2) of Regulation (EU) 2017/625 come to an end. As from 6th April 2023, Article 21 of that Regulation will apply in full in place of the corresponding provisions in Council Regulation (EC) No 1/2005.

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Regulation 4 makes consequential amendments to the Welfare of Animals (Transport) (England) Order 2006 ([S.I. 2006/3260](#)). Regulation 5 makes consequential amendments to the Welfare of Animals (Transport) (Scotland) Regulations 2006 ([S.S.I. 2006/606](#)).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.