
WELSH STATUTORY INSTRUMENTS

2007 No. 1047

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

PART 4

Approvals

The competent authority

20.—(1) The National Assembly is the competent authority for the purposes of granting or issuing—

- (a) authorisations to transporters in accordance with Articles 10, 11 and 13 of Council Regulation (EC) No 1/2005;
 - (b) certificates of competence in accordance with Article 17(2) of that Regulation;
 - (c) certificates of approval of means of transport by road in accordance with Article 18(1) of that Regulation;
 - (d) certificates of approval of livestock vessels in accordance with Article 19(1) of that Regulation.
- (2) For the purposes of that Regulation, the National Assembly is the competent authority for—
- (a) receiving notification of changes relating to authorisations in accordance with Article 6(2);
 - (b) receiving documents in accordance with Article 6(5), (8) and (9) and point 3(b) of Annex II;
 - (c) checking and inspecting journey logs in accordance with Article 14(1) and the second paragraph of point 5 of Annex II;
 - (d) carrying out checks relating to long journeys in accordance with Article 15;
 - (e) recording information relating to livestock vessels in accordance with Article 19(3) and (4);
 - (f) inspecting livestock vessels in accordance with Article 20;
 - (g) requiring action in the event of non-compliance by transporters in accordance with Article 23;
 - (h) receiving notification from other competent authorities of non-compliance in accordance with Article 26(2) and (3);
 - (i) taking action in the event of infringements in accordance with Article 26;
 - (j) inspecting animals, means of transport and accompanying documentation in accordance with Article 27(1);
 - (k) approving classification societies in accordance with point 1 of Chapter IV of Annex I.
- (3) The National Assembly is the competent authority for the purposes of—
- (a) granting or issuing approvals in accordance with Articles 3 and 4(2) of Council Regulation (EC) No 1255/97;

(b) receiving information on animals passing through a control post in accordance with Article 5(h) and (i) of that Regulation.

(4) The National Assembly is responsible for exercising the functions of a member State for the purposes of—

(a) Council Regulation (EC) No 1/2005;

(b) Council Regulation (EC) No 1255/97,

and for designating bodies in accordance with Articles 17(2), 18(1) and 19(1) of Council Regulation (EC) No 1/2005.

Approvals, authorisations etc

21. Any approval, authorisation or certificate issued under this Order, Council Regulation (EC) No 1/2005 or Council Regulation (EC) No 1255/97—

(a) must be in writing;

(b) may be made subject to conditions; and

(c) may be amended, suspended or revoked at any time.

Suspension, revocation of approvals etc

22.—(1) The National Assembly may, by notice, suspend or amend an approval, authorisation, certificate of approval or certificate of competence if satisfied that any of the conditions under which it was granted or of any provision of Council Regulation (EC) No 1/2005, Council Regulation (EC) No 1255/97 or this Order have been breached.

(2) A suspension under paragraph (1)—

(a) has immediate effect where the National Assembly considers it necessary to protect the welfare of animals;

(b) otherwise will not have effect for at least 21 days following service of the notice.

(3) The notice must—

(a) give reasons;

(b) state when it comes into effect and, in the case of a suspension, state on what date or event it is to cease to have effect; and

(c) explain the right of the recipient of the notice to make written representations to a person appointed by the National Assembly.

(4) Where the notice does not have immediate effect, and representations are made under article 23, an amendment or suspension will not have effect until the final determination by the National Assembly in accordance with article 23 unless the National Assembly decides that it is necessary for the protection of animal welfare for the amendment or suspension to have immediate effect and gives notice to that effect.

(5) Where a suspension is upheld, the National Assembly may, by notice, revoke an approval, authorisation, certificate of approval or certificate of competence if satisfied that this Order, Council Regulation (EC) No 1/2005 or Council Regulation (EC) No 1255/97 will not be complied with.

(6) A notice must not be issued under paragraph (5) until the process in article 23 (if any) has been completed.

Representations to an appointed person

23.—(1) A person may make written representations against a refusal, condition, amendment, suspension or revocation of an approval, authorisation or certificate to a person appointed for the purpose by the National Assembly.

(2) Any representations must be made within 21 days of receiving notification of the National Assembly's decision.

(3) The appointed person must consider the representations and report in writing to the National Assembly.

(4) The National Assembly must give to the person making the representations written notification of its final determination and its reasons.