

## 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.

(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

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(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.

(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.