SCOTTISH STATUTORY INSTRUMENTS

2000 No. 167

ANIMALS

ANIMAL HEALTH

The Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000

Made - - - -	*1st June 2000*
Laid before the Scottish Parliament - - - -	*6th June 2000*
Coming into force - -	*27th June 2000*

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(2) of the European Communities Act 1972(**1**), and of all other powers enabling them in that behalf, make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000 and shall come into force on 27th June 2000.

(2) These Regulations extend to Scotland only.

2.—(1) In these Regulations, unless the context otherwise requires–

"animal" includes bird;

"contact parts" means those parts of the means of transport which have come into direct contact with the animals being transported, their excreta, litter or fodder;

"inspector" means an inspector appointed by a local authority for the purposes of enforcing these Regulations;

"local authority" means a council constituted under section 2 of the Local Government Etc. (Scotland) Act 1994(**2**);

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46) Schedule 8, paragraph 15(3). The functions conferred upon a Minister of the Crown under section 2(2) of the European Communities Act 1972, so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) 1994 c. 39.

"means of transport" includes road vehicle, vessel, rail wagon or aircraft in which animals are transported and includes any receptacle in which animals are transported on to another means of transport and any fitting, accessory or equipment (whether detachable or not);

"transport of a commercial nature" means transport in the course of a trade or business.

(2) In these Regulations, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations.

(3) Any notice served under these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Cleansing and disinfection in relation to the transport of hoofed animals and poultry

3.—(1) This regulation applies (other than in the circumstances specified in Schedule 2) to the transport of–

(a) hoofed animals;

(b) racing pigeons; and

(c) domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, pheasants, partridges and ratites, if they are reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for restocking supplies of game.

(2) Where a means of transport has been used to transport any animal to which this article applies or anything which may give rise to the transmission of a disease affecting animals, the user of the means of transport shall, as soon as reasonably practicable and not more than 24 hours after the journey is completed, ensure that it is cleansed and disinfected in accordance with Schedule 1, or, where appropriate, destroyed.

(3) No person shall use, or cause or permit the use of, any means of transport to transport any animal to which this article applies, unless it has been cleansed and disinfected in accordance with Schedule 1 since it was last used to transport any animal or anything which may give rise to the transmission of a disease affecting animals.

(4) Without prejudice to the provisions of paragraphs (2) and (3) above, if a means of transport has become soiled so as to give rise to a risk of transmission of a disease affecting animals since being cleansed and disinfected in accordance with paragraphs (2) and (3) above, the transporter shall cleanse and disinfect it in accordance with paragraphs (3) and (4) of Schedule 1 before loading animals to which this article applies into the means of transport.

(5) Any person transporting any animal to which this article applies shall remove any dead animal, parts of animals, soiled bedding and excreta from the means of transport as soon as practicable.

Cleansing and disinfection in relation to the transport of other mammals and birds, and hoofed animals and poultry in certain circumstances

4.—(1) Subject to paragraph (2) below, this regulation applies to transport of a commercial nature of–

(a) all mammals other than hoofed animals;

(b) all birds not included in regulation 3; and

(c) animals and birds of any species in the circumstances specified in Schedule 2.

(2) This regulation does not apply to transport of–

(a) a single animal accompanied by a person having the care of, or responsibility for, the animal during transport; or

(b) a pet animal accompanied by its owner on a journey.

(3) Any person transporting, or causing or permitting the transport of, an animal to which this regulation applies shall ensure that–

(a) its means of transport has been cleansed and, where necessary, disinfected in accordance with Schedule 1; and

(b) any dead animal, parts of animals, soiled bedding and excreta are removed from its means of transport as soon as possible.

Disposal of material after cleansing

5. Everything removed from the means of transport in accordance with Schedule 1 shall either be–

(a) destroyed;

(b) treated so as to remove the risk of transmission of a disease affecting animals; or

(c) disposed of so that animals have no access to it.

Powers of inspectors

6.—(1) An inspector shall have, for the purpose of enforcing these Regulations, power to–

(a) enter any place, other than a dwellinghouse, at which a means of transport is kept;

(b) enter any means of transport and carry out such inspection of it or enquiry in relation to it as appears to the inspector to be appropriate;

(c) require the assistance of the user of the means of transport, or of any person appearing to the inspector to be in charge of it, to facilitate such inspection or enquiry; and

(d) inspect, and take copies of, any document relating to the carriage of animals in the means of transport.

(2) Where an inspector is satisfied that a means of transport either–

(a) has not been cleansed and disinfected in accordance with these Regulations; or

(b) requires to be cleansed and disinfected to prevent a risk of transmission of a disease affecting animals,

that inspector may serve a notice on any person appearing to the inspector to be in charge of that means of transport–

(i) prohibiting the use of the means of transport for either the transport or keeping of animals or both until it has been cleansed and disinfected;

(ii) requiring that person to carry out the cleansing and disinfection as set out in the notice within a period specified in the notice; or

(iii) requiring that person to dispose of all feedingstuffs to which animals have had access, bedding, excreta and other material of animal origin in the way set out in the notice.

(3) Cleansing and disinfection required by a notice under this regulation shall be carried out in accordance with Schedule 1 unless an inspector is satisfied that it is necessary for animal health purposes for the cleansing and disinfection to be carried out in a manner specified in a notice.

(4) Where a person fails to comply with a notice served under this regulation, an inspector may arrange for the provisions of the notice to be complied with at the expense of the person on whom the notice was served.

Enforcement

7. These Regulations shall be enforced by the local authority in its area.

Offences and penalties

8.—(1) Any person who–

(a) contravenes, or fails to comply with–

(i) any of the provisions of these Regulations; or

(ii) a notice or requirement contained in a notice; or

(b) fails without reasonable excuse to comply with any requirement imposed by an inspector in exercise of powers under regulation 6(1) above or obstructs any such officer in the exercise of any of those powers,

shall be guilty of an offence.

(2) A person found guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding the statutory maximum.

Revocations and amendments

9.—(1) The Orders set out in the first column of the table in Part I of Schedule 3 are revoked to the extent set out in the third column of that table.

(2) The Order in Part II of Schedule 3 is amended in accordance with that Part.

Edinburgh
1st June 2000

ROSS FINNIE
A member of the Scottish Executive