WELSH STATUTORY INSTRUMENTS

2007 No. 1047 (W.105)

ANIMALS, WALES

ANIMAL HEALTH

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

Made - - - -	*27 March 2007*
Coming into force - -	*30 March 2007*

The National Assembly for Wales, in exercise of the powers conferred by sections 1, 7, 8(1), 37, 38(1), 39, 83(2) and 87(2), (3) and (5)(a) of the Animal Health Act 1981(**1**), and now vested in it(**2**), makes the following Order:

PART 1

Introduction

Title, commencement and application

1. The title of this Order is the Welfare of Animals (Transport) (Wales) Order 2007. It comes into force on 30 March 2007 and applies in relation to Wales.

Interpretation

2.—(1) In this Order "the Act" means the Animal Health Act 1981.

(2) Expressions used in this Order that are also used in the following Regulations have the meaning they bear in those Regulations.

(3) The Regulations are—

(a) Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) 1255/97(**3**);

(**1**) 1981 c. 22 as amended by the Animal Health Act 2002 c. 42.
(**2**) Functions transferred to the National Assembly by the National Assembly (Transfer of Functions) Orders 1999 and 2004 (S.I.1999/672 and S.I. 2004/3044 respectively).
(**3**) OJ L 3, 5.1.2005 p.1.

(b) Council Regulation (EC) No 1255/97 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC(**4**).

(4) The "local authority" means in relation to an area the county council or county borough council for that area.

(5) The "National Assembly" means the National Assembly for Wales of Cathays Park, Cardiff CF10 3NQ.

(6) Any reference to the Regulations referred to in paragraph (3) is a reference to those instruments as amended from time to time.

Extension of definition of "animals" and "poultry"

3. For the purposes of the Act in its application to this Order, the definitions of animals and poultry in section 87 of the Act are extended to cover all vertebrate animals and cold-blooded invertebrate animals.

PART 2

Transport of Animals

General provision on the protection of animals during transport

4.—(1) It is an offence to transport any animal in a way which causes, or is likely to cause, injury or unnecessary suffering to that animal.

(2) It is an offence to transport any animal except in such receptacles or means of transport, under 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.

(3) This article applies to the transport of cold-blooded invertebrate animals.

(4) This article applies to the transport of vertebrate animals except those to which Council Regulation (EC) No 1/2005 applies.

Transport

5.—(1) A person who fails to comply with any of the following provisions of Council Regulation (EC) No 1/2005 is guilty of an offence against the Act—

(a) Article 3 (general conditions for the transport of animals);

(b) Article 4(1) (Article 4 relates to transport documentation);

(c) Article 5(1) (Article 5 relates to planning obligations for the transport of animals);

(d) Article 6(1) (Article 6 relates to transporters);

(e) from 5 January 2008, Article 6(5);

(f) Article 7 (prior inspection and approval of means of transport);

(g) points 1.8, 1.9 or 1.11 of Chapter III of Annex I (Chapter III relates to transport practices).

(2) No person is to remove, deface, obliterate or alter a mark made under paragraph (3) of article 24 (powers of inspectors).

(3) Copies of the documentation referred to in Article 4 of Council Regulation (EC) No 1/2005 must be kept for 6 months from the completion of the journey.

(**4**) OJ L 174, 2.7.97 p.1.

Transporters

6. A transporter who fails to comply with the following provisions of Council Regulation (EC) No 1/2005 is guilty of an offence against the Act—

(a) Article 4(2) (Article 4 relates to transport documentation);

(b) Article 5(2) and (4) (Article 5 relates to planning obligations for the transport of animals);

(c) Article 6(2), (3), (4), (6) and (8) (Article 6 relates to transporters);

(d) Article 6(9)—

(i) for means of transport by road in service for the first time on or after the coming into force date of this Order; and

(ii) for all means of transport by road on or after 1 January 2009;

(e) Article 12 (Article 12 relates to limitation on applications for authorisation).

Roll-on-roll-off vessels

7.—(1) A master of a roll-on-roll-off vessel who fails to comply with point 3.1 of Chapter II of Annex I to Council Regulation (EC) No 1/2005 (Chapter II relates to additional provisions for transport on roll-on-roll-off vessels) is guilty of an offence against the Act.

(2) No transporter is to transport animals on a roll-on-roll-off vessel unless the master of the vessel has first verified the matters referred to in that point.

Organisers

8. An organiser who fails to comply with any of the obligations in Article 5(3) and (4) of Council Regulation (EC) No 1/2005 (Article 5 relates to planning obligations for the transport of animals) is guilty of an offence against the Act.

Keepers

9. A keeper who fails to comply with Article 8 of Council Regulation (EC) No 1/2005 (keepers at places of departure, transfer or destination) is guilty of an offence against the Act.

Assembly centres

10. An operator of an assembly centre who fails to comply with Article 9 of Council Regulation (EC) No 1/2005 (assembly centres) is guilty of an offence against the Act.

Control posts

11.—(1) It is an offence for a person to operate a control post unless he or she is approved for that purpose.

(2) It is an offence for any person to operate or use a control post unless it is approved in accordance with Article 3(1) of Council Regulation (EC) No 1255/97.

(3) An operator of a control post who fails to comply with any of the following provisions of Council Regulation (EC) No 1255/97 is guilty of an offence against the Act—

(a) Article 4 (use of control posts);

(b) Article 5 (the operation of control posts);

(c) Article 6(1) (confirmation that an animal is fit to continue its journey).

PART 3

Derogations for means of transport by road on journeys under 12 hours

Application

12. In accordance with Article 18(4) of Council Regulation (EC) No 1/2005, the derogations in this Part apply in respect of a means of transport by road used for a journey that does not exceed 12 hours in order to reach the final place of destination ("means of transport by road").

Derogation from inspection and approval

13. For the purposes of Article 18(1) of Council Regulation (EC) No 1/2005, a means of transport by road used to transport animals other than domestic equidae or domestic animals of bovine, ovine, caprine or porcine species does not require a certificate of approval.

Derogation from requirement for continuous access to water

14. For the purposes of point 1.4(b) of Chapter V of Annex I to Council Regulation (EC) No 1/2005, during a journey pigs—

(a) do not require continuous access to water on a means of transport by road;

(b) must be offered water at appropriate intervals and afforded an adequate opportunity to drink.

Derogation from insulated roof requirement

15. For the purposes of point 1.1 of Chapter VI to Annex I to Council Regulation (EC) No 1/2005, the roof on a means of transport by road does not require insulation.

Derogation from temperature requirements

16.—(1) For the purposes of point 3.1 of Chapter VI of Annex I to Council Regulation (EC) No 1/2005, the temperature on a means of transport by road may fall below 0°C during a journey—

(a) up to the time when the means of transport by road is first moved at the place of departure; and

(b) during any unloading and loading occurring at intermediate points in the journey.

(2) But where the temperature falls below 0°C, pigs weighing less than 30 kgs and unaccompanied on the journey by their mother must be provided with adequate quantities of a bedding material appropriate to the species to ensure their thermal comfort.

Derogation from ventilation system requirement

17. The ventilation system on a means of transport by road—

(a) does not require the capabilities described in point 3.2 of Chapter VI of Annex I to Council Regulation (EC) No 1/2005;

(b) must be capable of adjustment so as to ensure that the requirements for temperatures set out in that point and in article 16(1) are maintained during the journey.

Derogation from temperature monitoring requirements

18. The temperature monitoring, data recording and warning systems referred to in points 3.3 and 3.4 of Chapter VI of Annex I to Council Regulation (EC) No 1/2005 are not required on a means of transport by road.

Derogation from navigation system requirement

19. The navigation system referred to in point 4.1 of Chapter VI of Annex I to Council Regulation (EC) No 1/2005 is not required in a means of transport by road.

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;