WELSH STATUTORY INSTRUMENTS

2003 No. 1968 (W. 213)

ANIMALS, WALES

ANIMAL HEALTH

The Transport of Animals (Cleansing and Disinfection) (Wales) (No. 3) Order 2003

Made - - - -	*29th July 2003*
Coming into force - -	*1st August 2003*

The National Assembly for Wales and the Secretary of State, in exercise of the powers conferred on them by sections 1, 7, 37, 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981(**1**), make the following Order:

Title, commencement, application and extension of definitions

1.—(1) This Order is called the Transport of Animals (Cleansing and Disinfection) (Wales) (No. 3) Order 2003; it applies in Wales and comes into force on 1st August 2003.

(2) For the purposes of the Animal Health Act 1981 in its application to this Order —

(a) the definition of animals ("*anifeiliaid*") in subsection (1) of section 87 of that Act is extended so as to comprise all mammals except man;

(b) the definition of poultry ("*dofednod*") in subsection (4) of section 87 of that Act is extended so as to comprise all birds;

(c) the definition of disease ("*clefyd*") in subsection (1) of section 88 of that Act is extended so as to comprise all diseases of animals; and

(d) the definition of disease ("*clefyd*") in subsection (3) of section 88 of that Act is extended so as to comprise all diseases of poultry.

Interpretation

2.—(1) In this Order —

(**1**) 1981 c. 22. Functions conferred under the 1981 Act on "the Ministers" (as defined in section 86 of that Act) were transferred so far as exercisable by the Secretary of State for Wales in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). The joint functions of "the Ministers" exercisable by the Secretary of State for Scotland in relation to Wales were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). All functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

"animal" ("*anifail*") includes bird;

"means of transport" ("*cyfrwng cludo*") includes its fittings, its detachable parts and any containers (whether detachable or not) used with it;

"equipment" ("*cyfarpar*") means any equipment carried with a means of transport for use with animals;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"sale premises" ("*safle gwerthu*") means premises licensed under the Animal Gatherings (Wales) Order 2003(**2**) for the purpose of sale; and

"slaughterhouse" ("*lladd-dy*") means any building, premises or place (other than a farmed game handling facility) for slaughtering animals the flesh of which is intended for sale for human consumption, and includes any place available in connection with such building, premises or place for the confinement of animals while awaiting slaughter there.

(2) Any notice or approval served under this Order must be in writing. It 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 article applies in relation to the transport of —

(a) hoofed animals, other than horses;

(b) racing pigeons; and

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

and references in this article to "animal" are to be construed accordingly.

(2) In the circumstances set out in Schedule 1, the requirements of article 4 apply instead of the requirements of this article.

(3) The user of any means of transport which has been used to transport any animal, or anything which may give rise to a risk of transmission of disease, must, as soon as reasonably practicable and not more than 24 hours after the journey is completed, ensure that the means of transport and any equipment are cleansed and disinfected in accordance with Schedule 2 or (in the case of a container) destroyed.

(4) No person may use, or cause or permit the use of, any means of transport to transport any animal unless the means of transport and any equipment have been cleansed and disinfected in accordance with Schedule 2 since they were last used to transport any animal, or anything which may give rise to a risk of transmission of disease.

(5) If a means of transport or any equipment has become soiled so that it may give rise to a risk of transmission of disease since last being cleansed and disinfected, no person may load, or cause or permit to be loaded, any animal into the means of transport unless the soiled parts of the means of transport or the equipment have been again cleansed and disinfected in accordance with paragraphs 1, 3 and 4 of Schedule 2.

(6) Any person transporting animals must remove any animals that die during transport, and any soiled litter and excreta from the means of transport, as soon as practicable.

(**2**) S.I. 2003/1967 (W. 212).

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

4.—(1) This article applies in relation to the transport of —

(a) all mammals other than hoofed animals;

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

(c) animals and birds specified in article 3 in the circumstances specified in Schedule 1,

and references to "animal" in this article are to be construed accordingly.

(2) This article does not apply in the case of —

(a) transport which is not of a commercial nature;

(b) an individual animal accompanied by a person having responsibility for the animal during transport; or

(c) the transport of pet animals accompanying their owner on a private journey.

(3) Any person transporting, or causing or permitting the transport of, animals where this article applies must ensure that —

(a) they are loaded on to a means of transport which has been cleansed and, where necessary, disinfected; and

(b) any animals that die during transport, and any soiled litter and excreta are removed as soon as practicable.

(4) Cleansing and disinfection under this article is to be carried out in accordance with paragraphs 1, 3 and 4 of Schedule 2.

Cleansing and disinfection in relation to the transport of horses

5.—(1) Any person transporting, or causing or permitting the transport of, horses must ensure that —

(a) they are loaded on to a means of transport which has been cleansed and, where necessary, disinfected; and

(b) any horses that die during transport, and any soiled litter and excreta are removed as soon as practicable.

(2) This article does not apply in the circumstances set out in article 4(2) unless the means of transport was last used to transport an animal to which article 3 applies.

(3) No person may use, or cause or permit the use of, any means of transport to transport any animal to which article 3 applies unless the means of transport and any equipment have been cleansed and disinfected in accordance with Schedule 2 since they were last used to transport a horse.

(4) Cleansing and disinfection under this article must be carried out in accordance with paragraphs 1, 3 and 4 of Schedule 2.

Drivers' cabs

6. Nothing in this Order requires the use of disinfectant inside the driver's cab of any means of transport.

Disposal of material after cleansing

7.—(1) The person responsible for cleansing the means of transport and any equipment under this Order must ensure that all feedingstuffs to which animals have had access, litter, excreta and other material of animal origin, and other contaminants removed from the means of transport are —

(a) destroyed;

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

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

(2) This article does not apply to any material required to be disposed of under the Animal By-Products Order 1999(**3**).

Means of transport leaving a slaughterhouse or sale premises

8.—(1) If a means of transport —

(a) has been used to transport any animal to which article 3 applies to a slaughterhouse or to a sale premises; and

(b) is to leave the slaughterhouse or sale premises not carrying any animals and without having been cleansed and disinfected,

the driver must, before leaving the premises, give a written declaration to the occupier of the slaughterhouse, or the licensee of the sale premises, specifying where the cleansing and disinfection in accordance with article 3(3) is to take place.

(2) The occupier or licensee must —

(a) supply the driver with the form of declaration which shall be in a form approved by the National Assembly;

(b) send the completed declarations to the local authority by fax or other means agreed with the local authority on the same day that he receives them; and

(c) keep the original declarations for three months and during that period produce them to an inspector on request.

Powers of inspectors, etc.

9.—(1) An inspector who is satisfied that a means of transport or any equipment either —

(a) has not been cleansed and disinfected in accordance with this Order; or

(b) needs to be cleansed and disinfected because it may give rise to a risk of transmission of disease,

may serve a notice on any person appearing to him or her to be in charge of that means of transport or equipment.

(2) A notice served under the preceding paragraph may —

(a) prohibit the use of the means of transport or the equipment until it has been cleansed and disinfected;

(b) prohibit the keeping of animals on the means of transport until it has been cleansed and disinfected;

(c) require the person on whom the notice is served to cleanse and disinfect the means of transport or the equipment within any period specified in the notice; or

(d) require the person on whom the notice is served to dispose of all feedingstuffs to which animals have had access, litter, excreta and other material of animal origin in the way set out in the notice.

(3) If a notice is served under the preceding paragraph, the cleansing and disinfection must be carried out in accordance with Schedule 2 unless the notice specifies a different method of cleansing and disinfection.

(**3**) S.I. 1999/646 as amended in relation to Wales by S.I. 2001/1735 (W.122).