STATUTORY RULES OF NORTHERN IRELAND

2006 No. 538

ANIMALS

ANIMAL HEALTH

The Welfare of Animals (Transport) Regulations (Northern Ireland) 2006

Made - - - - 21st December 2006

Coming into operation 5th January 2007

The Department of Agriculture and Rural Development(**1**), being designated for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, makes the following Regulations in exercise of the powers conferred on it by that section.

PART I

INTRODUCTION

Title and commencement

1. These Regulations may be cited as the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 and shall come into operation on 5th January 2007.

Interpretation

2.—(1) In these Regulations—

"Council Regulation 1/2005" means 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(**3**);

"Council Regulation 1255/97" means 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**);

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No. L 3, 5.1.2005, p.1
(**4**) O.J. No. L 174, 2.7.97, p.1

"the Council Regulations" mean both Council Regulation 1/2005 and Council Regulation 1255/97;

"the Department" means the Department of Agriculture and Rural Development for Northern Ireland;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981.

(2) Expressions used in these Regulations that are also used in the Council Regulations have the same meaning as they bear in those Regulations.

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Extension of the definition of "animals"

3. For the purposes of the Diseases of Animals (Northern Ireland) Order 1981, in its application to these Regulations, the definitions of animals and poultry in Part I of Schedule 1 to that Order are extended to cover all vertebrates and cold-blooded invertebrate animals.

PART II

TRANSPORT OF ANIMALS

General provision on the protection of animals in 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 regulation applies to the transport of cold-blooded invertebrate animals.

(4) This regulation applies to the transport of vertebrate animals except those to which Council Regulation 1/2005 applies.

Transport

5.—(1) A person who fails to comply with the any of the following provisions of Council Regulation 1/2005 is guilty of an offence—

(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) Article 6(5) from 5 January 2008 (Article 6 relates to transporters);

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

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

(2) A person shall not remove, deface, obliterate or alter a mark made by an inspector under regulation 24(4) (powers of inspectors).

(**5**) 1954 c. 33 (N.I.)

(3) A copy of the documentation referred to in Article 4 of Council Regulation 1/2005 shall be kept for 6 months from the completion of the journey.

(4) A person who fails to comply with paragraphs (2) or (3) is guilty of an offence.

Transporters

6. A transporter who fails to comply with the following provisions of Council Regulation 1/2005 is guilty of an offence—

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

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

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

(d) Article 6(9) (transporters)—

(i) for means of transport by road in service for the first time on or after the coming into operation date of these Regulations; and

(ii) for all means of transport by road as from 1 January 2009;

(e) Article 12 (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 1/2005 (Chapter II relates to additional provisions for transport on roll-on-roll-off vessels) is guilty of an offence.

(2) A transporter shall not 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.

(3) A person who fails to comply with paragraph (2) is guilty of an offence.

Organisers

8. An organiser who fails to comply with Article 5(3) and (4) of Council Regulation 1/2005 (Article 5 relates to planning obligations for the transport of animals) is guilty of an offence.

Keepers

9. A keeper who fails to comply with Article 8 of Council Regulation 1/2005 (keepers at places of departure, transfer or destination) is guilty of an offence.

Assembly centres

10. An operator of an assembly centre who fails to comply with Article 9 of Council Regulation 1/2005 (assembly centres) is guilty of an offence.

Control posts

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

(2) It is an offence for a person to operate or use a control post unless it is approved by the Department in accordance with Article 3(1) of Council Regulation 1255/97.

(3) An operator of a control post who fails to comply with the following provisions of Council Regulation 1255/97 is guilty of an offence—

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

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

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

PART III

DEROGATIONS FOR MEANS OF TRANSPORT BY ROAD ON JOURNEYS UNDER 12 HOURS

Application

12. In accordance with Article 18(4) of Council Regulation 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 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 1/2005, during a journey pigs—

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

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

Derogation from insulated roof requirements

15. For the purposes of point 1.1 of Chapter VI to Annex I of Council Regulation 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 1/2005, the temperature on a means of transport by road may fall below 0ºC during a journey—

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

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence.

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 1/2005;

(b) shall be capable of adjustment so as to ensure the requirements for temperatures set out in that point and in regulation 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 1/2005 are not required on a means of transport by road.

Derogation from navigation system requirement

19. The navigation system referred to in part 4.1 of Chapter VI of Annex I to Council Regulation 1/2005 is not required in a means of transport by road.

PART IV

APPROVALS, AUTHORISATIONS, CERTIFICATES AND NOTICES

The competent authority

20. The Department 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 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 Council Regulation 1/2005 the Department 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;