1994 No. 244

ANIMALS

Welfare of Animals during Transport Order (Northern Ireland) 1994

Made	*28th June 1994*
Coming into operation . .	*1st August 1994*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1)(*k*), 19(*b*), (*c*), (*e*) and (*i*), 21, 23 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Welfare of Animals during Transport Order (Northern Ireland) 1994 and shall come into operation on 1st August 1994.

Interpretation

2.—(1) In this Order—

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

"animal" includes any bird.

(2) In this Order, except where the context otherwise requires, distances shall be calculated from the start of the transport of the animals to the place of destination and the calculation of journey times shall include the time taken in loading and unloading the animals.

(3) A notice served under this Order shall be in writing and may be subject to conditions and may be amended, suspended or revoked in writing at any time.

Exemption

3. This Order shall not apply to the transport of pet animals unless in the course of a trade or business.

General provisions on protection of animals

4.—(1) A person shall not cause or permit an animal to be transported in a way which causes or is likely to cause injury or unnecessary suffering to the animal.

(a) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2 Art. 17)

(2) A person shall not cause or permit the transport of an animal that is unfit by reason of it being in the state of being newborn, diseased, infirm, ill, injured or fatigued or having given birth within the preceding 48 hours or likely to give birth during transport or for any other reason.

(3) Notwithstanding the provisions of paragraph (2), a bovine, ovine, caprine, porcine or equine animal may be transported to the nearest place for veterinary treatment or to the nearest available place of slaughter if the animal is not likely to be subject to unnecessary suffering by reason of its unfitness, but such an animal may not be dragged or pushed by any means, or lifted by a mechanical device, unless this is done in the presence of and under the supervision of a veterinary surgeon who is arranging for it to be transported with all practicable speed to a place for veterinary treatment.

(4) Notwithstanding the provisions of paragraph (2), an animal may be transported for scientific research purposes by or on behalf of the holder of a licence granted under the Animals (Scientific Procedures) Act 1986(**a**).

(5) A person shall not cause or permit a cervine animal in velvet to be transported unless the journey is of 50km or less and special precautions are taken to protect it from injury and unnecessary suffering.

Feeding and watering intervals

5.—(1) Subject to paragraphs (2), (3) and (4), it shall be the duty of any person in charge of an animal which is being transported on a vessel, aircraft, railway or vehicle to ensure that—

(*a*) as suitable to its species, it has been provided with water and appropriate food before the start of any journey; and

(*b*) at suitable intervals during the journey, it is provided with water, food and rest.

(2) In respect of bovine, ovine, caprine, porcine and equine animals the interval between the occasions when rest, food and water are provided in accordance with paragraph (1)(*b*) shall not exceed 15 hours.

(3) In respect of domestic dogs and domestic cats—

(*a*) the interval between the occasions when food is provided in accordance with paragraph (1)(*b*) shall not exceed 24 hours and the interval between the occasions when water is so provided shall not exceed 12 hours; and

(*b*) clear, written instructions must be given to the persons responsible for feeding and watering them.

(4) The provisions of paragraph (1) shall not apply in the cases of —

(*a*) poultry and rabbits if their transport is completed within 12 hours (disregarding the time taken in loading and unloading); and

(*b*) poultry chicks, if their transport is completed within 72 hours of their being hatched and lasts less than 24 hours.

(**a**) 1986 c. 14

In this paragraph and in Article 8(2)(*b*) "poultry" means live birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges, quails and pigeons.

Registration of persons transporting animals

6. Any person having control of any animal transport undertaking transporting animals in the course of business shall register with the Department by 31st December 1994 or before commencing such an undertaking.

Persons having control of animal transport undertakings

7. Subject to Article 8, every person having control of any animal transport undertaking which transports animals in the course of business or trade shall—

(*a*) ensure that the animals are entrusted only to persons possessing the knowledge necessary to administer appropriate care to the animals in transport;

(*b*) ensure, in the case of animals travelling unaccompanied, that the consignee is prepared to receive them;

(*c*) ensure that the animals are transported without delay to their place of destination;

(*d*) ensure that during the journey the consignment is accompanied by a certificate signed by him or on his behalf stating—

(i) the origin and ownership of the animals,

(ii) their place of departure and place of destination, and

(iii) the date and time of departure;

(*e*) draw up for journeys exceeding 24 hours a journey plan showing—

(i) the arrangements for the animals to be rested, fed and watered, and (if necessary) unloaded and given accommodation appropriate to their species,

(ii) the arrangements for feeding and watering in the event that the planned journey is changed or disrupted,

and ensure that during the journey the consignment is accompanied by the journey plan; and

(*f*) ensure that copies of the journey plan and the certificate required by paragraph (*d*) are kept for a period of six months from the end of the journey and produce them at the request of an inspector.

Exceptions

8.—(1) Where animals of the bovine, ovine, caprine or porcine species or domestic equines are transported—

(*a*) for a distance of 50km or less, to, from or within land used for agricultural purposes; and

(*b*) in a vehicle owned by the owner or occupier of that land and which has an internal length of not more than 3.1 metres available for the carriage of the animals,

then the following provisions shall not apply—

(i) Article 8(3) of the Transit of Animals (Road and Rail) Order (Northern Ireland) 1989(**a**) (the requirement to protect the animals from the motion of the means of transport); and

(ii) paragraphs 3 (provision of barriers or straps) and 6 (internal ramps and lifting gear) of Schedule 1 to the Transit of Animals (Road and Rail) Order (Northern Ireland) 1989; and

(iii) Article 7(*d*) of this Order.

(2) Article 7(*d*), (*e*) and (*f*) of this Order shall not apply to the transport of—

(*a*) equine animals kept for private recreation or private sporting purposes; and

(*b*) poultry which are transported for a distance of 50km or less where—

(i) the number of poultry so transported is less than 50, or

(ii) the journey is within the land occupied by the owner of the poultry.

(3) Article 7(*d*) shall not apply to the transport for a distance of 50km or less of any animal not referred to in paragraphs (1) and (2).

IATA standards and CITES guidelines

9.—(1) A person shall not transport an animal by air except in compliance with the standards set by the International Air Transport Association.

(2) A person shall not transport an animal to which the Convention on International Trade in Endangered Species refers except in compliance with the CITES guidelines for transport and preparation for shipment of live wild animals.

Other provisions additional to existing welfare legislation

10. A person shall not cause or permit animals to be transported for more than 50km except in accordance with the provisions of Schedule 1.

Third countries

11. A person shall not import any animal from outside the European Community into Northern Ireland, either for use in Northern Ireland or transit through Northern Ireland, unless he has given a written undertaking to comply with the requirements of Council Directive 91/628/EEC on the protection of animals during transport(**b**) and has made arrangements to comply with them.

(**a**) S.R. 1989 No. 166
(**b**) O.J. No. L340, 11.12.91, p. 17 as amended by Council Decision 92/438/EEC (O.J. No. L243, 25.8.92, p. 27)

Powers of an inspector before transport begins

12.—(1) Where an inspector considers that an animal intended to be transported is not fit for the intended journey, either because such transport would contravene Article 4 or for any other reason, he may mark or otherwise identify the animal and may by notice served on the person appearing to him to be in charge of the animal—

(*a*) prohibit that transport of the animal, either indefinitely or for a period specified in the notice; or

(*b*) subject to Article 4, specify conditions under which the animal may be transported.

(2) Where an inspector considers that any person who transports animals in the course of business or trade is about to transport any animal, or cause any animal to be transported, in a way which may cause it injury or unnecessary suffering, or in any way which does not comply with the provisions of this Order, Article 22 of the 1981 Order or any Order made under Articles 21 or 23 of that Order, he may by notice served on the person in charge of the animal—

(*a*) prohibit such transport, either indefinitely or for the period specified in the notice; or

(*b*) specify conditions under which the animal may be transported.

(3) A person shall not remove or deface any mark or other identification applied by an inspector under paragraph (1).

Powers of inspectors in the course of transport

13.—(1) If it is found in the course of transport that the provisions of this Order, Article 22 of the 1981 Order or any Order made under Articles 21 or 23 of that Order are not being or have not been complied with, an inspector may by notice in writing served on the person in charge of the animals require that person to take any action which the inspector considers necessary in order to safeguard the welfare of the animals concerned.

(2) Without prejudice to the generality of paragraph (1), an inspector may in particular—

(*a*) require the journey to be completed or the animals to be returned to their place of departure by the most direct route, provided that this course of action would not cause unnecessary suffering to the animals;

(*b*) require the animals to be held in suitable accommodation with appropriate care until the problem is solved;

(*c*) require the humane slaughter of the animals.

(3) If any person in charge of the animals fails to comply with the requirements of the notice, the inspector shall have powers to carry out such measures himself, or cause them to be carried out, and the costs of such measures shall be recoverable from the person in charge of the transport undertaking on demand by the Department.

Revocations

14. The provisions in Schedule 2 are hereby revoked to the extent specified in that Schedule.