1989 No. 167

ANIMALS

Welfare of Poultry (Transport) Order (Northern Ireland) 1989

Made	*3rd May 1989*
Coming into operation . .	*24th May 1989*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 19(i), 21, 23A(1), 44 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 Poultry (Transport) Order (Northern Ireland) 1989 and shall come into operation on 24th May 1989.

Interpretation

2.—(1) In this Order—

"airport" means any place in Northern Ireland at which poultry are loaded into or unloaded out of an aircraft or at which an aircraft lands while carrying poultry;

"approved disinfectant" means a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**b**);

"carcase" means the carcase of any poultry;

"commander" means the member of the flight crew designated as commander of an aircraft by the operator thereof, or, failing such designation, the person who is for the time being the pilot in command of the aircraft;

"chicks" means poultry aged 72 hours or less;

"journey" means a journey undertaken by any poultry in Northern Ireland or, where part of a journey is undertaken outside Northern Ireland, as much of the journey as is undertaken in Northern Ireland;

"master" includes any person having charge or command of a vessel, other than a pilot;

"person in charge" includes in relation to any poultry, receptacle, vessel, vehicle or aircraft, the owner, consignor, consignee or carrier thereof;

(**a**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17
(**b**) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69

"port" means any place in Northern Ireland at which poultry are loaded into or unloaded out of a vessel, or at which a vessel calls while carrying poultry;

"poultry" means live birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges, quails and pigeons;

"receptacle" means a crate, box or other container which is not self-propelled, and which is used for the carriage of poultry, and includes any such container which forms part of a vessel, aircraft or vehicle;

"unfit" includes infirm, diseased, ill, injured and fatigued;

"vehicle" means—

(*a*) in relation to the carriage of poultry by road, any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road, whether drawn or propelled by animal or mechanical power; and

(*b*) in relation to the carriage of poultry by rail, rolling stock of any description; and

"vessel" includes a hovercraft and any means by which poultry are transported by water.

(2) For the purposes of this Order, a journey undertaken by any poultry shall begin when a bird, or, where two or more birds are being transported together, the first of those birds, is loaded into a receptacle or vehicle (whichever is the earlier) and shall end when the bird or, as the case may be, the last bird has been unloaded from the vehicle or receptacle (whichever is the later) at its final destination.

Poultry to be transported in receptacles

3.—(1) Subject to paragraph (2) a person shall not transport poultry on any vessel or aircraft unless the poultry are contained in a receptacle.

(2) The prohibition in paragraph (1) shall not apply where poultry are transported on a vehicle which itself is transported on a vessel.

Construction, fitting and maintenance of vessels, etc

4.—(1) A person shall not transport poultry on any vessel, aircraft or vehicle unless, in respect of that vessel, aircraft or vehicle (as the case may be) the following conditions are met—

(*a*) any sharp edge or protrusion which may come into contact with the poultry is adequately padded or fenced off;

(*b*) fixed or portable lighting is available to enable the poultry to be inspected;

(*c*) the vessel, aircraft or vehicle is equipped so that any receptacle on it containing poultry can be secured in a way which will prevent the receptacle from shifting as a result of the motion of the vessel, aircraft or vehicle;

(*d*) where a vessel or aircraft carries a vehicle containing poultry, the vessel or aircraft is equipped so that the vehicle can be secured in a

way which will prevent it from shifting or overturning as a result of the motion of the vessel or aircraft; and

(*e*) where a vessel or aircraft carries a vehicle containing poultry, the vehicle is equipped so that it can be secured in a way which will prevent it from shifting or overturning as a result of the motion of the vessel or aircraft.

(2) A person shall not use a receptacle for the transport of poultry on any vessel, aircraft or vehicle unless the receptacle—

(*a*) is of such strength, size and design as to protect the poultry from injury or unnecessary suffering while contained in it or while being loaded into or unloaded out of it;

(*b*) is constructed so that it permits adequate ventilation and air space to be available to the poultry contained in it;

(*c*) is constructed so that it—

(i) is easy to clean;

(ii) is escape proof; and

(iii) permits the poultry contained in it to be inspected;

(*d*) has no sharp edges or protrusions which may come into contact with the poultry;

(*e*) is labelled or marked—

(i) so as to indicate the upright position; and

(ii) with a statement or symbol to indicate that it contains live poultry;

(*f*) is constructed so that it can be effectively secured to the vessel, aircraft or vehicle or, if it is placed on or beneath another receptacle, to that receptacle which itself can be so secured;

(*g*) is constructed so that it prevents any protrusion of heads, legs or wings from it, or through any partitions within it; and

(*h*) is at all times maintained in a good state of repair.

Protection of poultry during loading, unloading and transport

5.—(1) A person shall not load poultry into or unload poultry out of any vessel, aircraft, vehicle or receptacle and shall not transport poultry on any vessel, aircraft or vehicle in a way which causes, or is likely to cause, injury or unnecessary suffering to the poultry.

(2) Any person in charge of poultry—

(*a*) which is in a receptacle that is waiting to be loaded into or out of a vessel, aircraft or vehicle, or

(*b*) which is waiting to be unloaded out of a receptacle,

shall ensure that the poultry are not caused any injury or unnecessary suffering.

(3) Without prejudice to the generality of paragraphs (1) and (2), it shall be the duty of any person in charge of any poultry during their journey to ensure that—

(*a*) where necessary the poultry are sheltered from the action of the weather and, if appropriate, the sea;

(*b*) the poultry are protected from exposure to undue fluctuations in temperature, humidity or air pressure;

(*c*) the poultry are protected from undue exposure to noise or vibration;

(*d*) the poultry have available to them an adequate supply of fresh air;

(*e*) the poultry are not caused unnecessary suffering by a lack of food and water;

(*f*) the poultry are not tied or bound by the neck, leg or wing;

(*g*) subject to paragraph (4), the poultry are not lifted or carried by the head, neck, wing or tail;

(*h*) the poultry are not carried in a sack or a bag;

(*i*) the poultry are not overcrowded;

(*j*) the poultry are inspected at appropriate intervals;

(*k*) all necessary steps are taken to prevent poultry from being severely jolted or shaken;

(*l*) all necessary steps are taken to prevent poultry from escaping or falling from the vehicle or receptacle in which they are being transported;

(*m*) any such receptacle is stowed in such a way as to allow adequate ventilation to the poultry;

(*n*) any such receptacle is kept upright;

(*o*) where necessary for the protection of the poultry any such receptacle is kept effectively secured within the vessel, aircraft or vehicle on which it is loaded or, if it is placed on or beneath another receptacle, to that receptacle which itself is so secured;

(*p*) in that part of the vessel, aircraft or vehicle in which the poultry are being transported there are no goods, articles or equipment and no other substances of a solid, liquid or gaseous nature which may cause injury or unnecessary suffering to the poultry; and

(*q*) the poultry are transported to their destination as soon as possible and delays are minimised.

(4) The duty imposed on any person by virtue of paragraph (3)(*g*) shall not apply in the case of ducks which are lifted or carried by the neck or geese which are lifted or carried by the base of both wings.

Protection of poultry during international transport

6.—(1) It shall be the duty of any person in charge of any poultry which are being transported on a vessel, aircraft or vehicle in the course of international transport to ensure that:—

(*a*) suitable food and, if necessary, water is available in adequate quantities, except that this requirement shall not apply in respect of—

(i) all poultry where their international transport lasts for less than 12 hours, or

(ii) chicks where their international transport lasts for more than 12 but less than 24 hours and is completed within 72 hours of their being hatched;

(*b*) if one receptacle containing poultry is placed on another, precautions are taken to prevent excreta falling on to the poultry below;

(*c*) in the case of the transport of poultry on a vehicle, the vehicle is equipped with a roof which will ensure that the poultry are effectively protected against the weather; and

(*d*) the poultry are transported in a vessel, aircraft, vehicle or receptacle which has been thoroughly cleansed.

(2) In this Article "international transport" means any movement of poultry which involves, or is intended to involve, the crossing of a frontier.

Duties of masters of vessels and commanders of aircraft

7.—(1) If before a vessel leaves a port, or an aircraft leaves an airport, the master of the vessel or the commander of the aircraft (as the case may be) has reason to believe that any poultry on the vessel or aircraft (as the case may be) are likely to be caused injury or unnecessary suffering in the course of transport as a result of anticipated weather conditions he shall not transport the poultry.

(2) If in the course of transport on the vessel or aircraft any poultry are caused injury, the master of the vessel or the commander of the aircraft (as the case may be) shall, if there are reasonable grounds for supposing that the poultry cannot be kept alive and landed without being caused unnecessary suffering, cause the poultry to be slaughtered in a humane manner.

Separation of poultry during transport

8.—(1) A person shall not transport poultry on any vessel, aircraft, or vehicle unless during their journey—

(*a*) the poultry are separated according to species and sex, except that—

(i) female poultry may travel with their broods,

(ii) male and female chicks may travel together, and

(iii) male and female poultry which are familiar with one another may travel together; and

(*b*) chicks are separated from all other poultry except that they may travel with their mother.

(2) A person shall not transport poultry in proximity to any animal or bird which is likely to be hostile to them or the presence of which is likely to cause them unnecessary suffering.

Unfit poultry

9. Subject to the provisions of Article 15, a person shall not transport poultry which are unfit on any vessel, aircraft or vehicle if, by reason of their unfitness, the poultry are likely to be caused unnecessary suffering.

Poultry not to be loaded with carcases

10. A person shall not load poultry and carcases together in a vehicle or receptacle.