1989 No. 166

ANIMALS

Transit of Animals (Road and Rail) 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, 20(1), 21, 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 Transit of Animals (Road and Rail) Order (Northern Ireland) 1989 and shall come into operation on 24th May 1989.

Interpretation

2. In this Order—

"accessory" means any detachable partition or barrier, loading board, rope, net or other apparatus or thing used in connection with the carriage of animals in a vehicle or receptacle;

"animals" means horses, cattle, sheep, goats and swine;

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

"calves" means cattle under the age of 6 months;

"journey" means the complete journey by road or rail which is undertaken by an animal in Northern Ireland or, where part of a journey is undertaken outside Northern Ireland, so much of that journey as is undertaken in Northern Ireland, whether the animal is in the course of that journey carried in one or more than one vehicle or receptacle and includes:

(*a*) any period during which the vehicle or receptacle which contains the animal is not in motion; and

(*b*) any period during which the animal is unloaded from a vehicle or receptacle for the purposes of the resting, feeding or watering of the animal, its transfer to another vehicle or receptacle or any other purpose;

(a) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to the subject matter of this Order

(b) S.R. & O. (N.I.) 1972 No. 16

"market" includes a market place, fairground, highway, saleyard, place of exhibition or other premises or place in or upon which a market, fair or sale of animals is held, together with any lair, yard, shed, stable or other place used for animals adjoining or used in connection with a market;

"pen" when used in connection with a vehicle or receptacle means any division or sub-division of that part of the vehicle or receptacle which is used for the carriage of animals;

"ramp" includes a door which can be lowered for the loading of a vehicle or receptacle;

"receptacle" means a crate, box or other rigid container used for the carriage of animals by road or rail which is not self-propelled and which does not form part of a vehicle;

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

"vehicle" means—

(*a*) in relation to the carriage of animals 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 animals by rail, rolling stock of any description.

Use, construction and maintenance of vehicles and receptacles

3.—(1) Subject to the provisions of this Order, a person shall not use a vehicle—

(*a*) for the carriage of an animal by road, unless it is constructed and maintained in accordance with Part I of Schedule 1; or

(*b*) for the carriage of an animal by rail, unless it is constructed and maintained in accordance with Part II of Schedule 1.

(2) Subject to the provisions of this Order, a person shall not use a receptacle for the carriage of an animal by road or rail unless it is constructed and maintained in accordance with Part III of Schedule 1.

Loading and unloading of animals

4.—(1) A person shall not load or unload an animal or cause or permit an animal to be loaded or unloaded into or out of a vehicle or receptacle, otherwise than in accordance with the provisions of this Article.

(2) The loading or unloading of an animal into or out of a vehicle or receptacle shall be effected in such a way as will ensure that no injury or unnecessary suffering is caused to the animal—

(*a*) by the use of any instrument or other thing used for driving the animal; or

(*b*) by the animal coming into contact with any part of the vehicle or receptacle or any fitting belonging thereto or any accessory carried therein or any other obstruction.

(3) Subject to the provisions of paragraph (5), an animal shall not be loaded into or unloaded out of a vehicle or receptacle otherwise than by means of—

(*a*) a ramp which is carried on the vehicle or on the vehicle on which the receptacle is to be or has been transported, and is constructed and maintained in accordance with the provisions of—

(i) in the case of a road vehicle, paragraph 5 of Part I of Schedule 1, or

(ii) in the case of a rail vehicle, paragraph 16 of Part II of Schedule 1;

(*b*) a ramp which is not carried on the said vehicle but which is of a height and design which is suitable for the purpose of loading or unloading the animal;

(*c*) a loading bank which is of a height suitable for the purpose of loading or unloading the animal;

(*d*) suitable mechanical lifting gear, whether or not that lifting gear forms part of a vehicle; or

(*e*) manual lifting or carrying.

(4) When a vehicle is carrying an animal which has been loaded into it by any of the means set out in paragraph (3)(*b*) to (*d*) or is transporting a receptacle containing an animal which has been loaded therein by any of those means, that vehicle shall at all times carry a ramp which can in case of emergency be used for unloading the animal and which is of a height and design suitable for that purpose.

(5) The provisions of paragraph (3) shall not apply to the loading or unloading of an animal from a vehicle or receptacle, the floor of which, at the time of the loading or unloading, is not more than 31 cm above the level of the ground.

(6) Subject to the provisions of paragraph (7), where an animal is loaded into or unloaded out of a vehicle or receptacle by means of a ramp, the ramp shall be—

(*a*) provided on each side with protection (hereinafter called "the side protection") which extends to a height of not less than 1.3 m above the ramp and is—

(i) of a strength and length sufficient to prevent an animal which uses the ramp from falling; and

(ii) fitted in position so as to ensure that any gap between the bottom of the side protection and the surface of the ramp will not permit damage or injury to the limbs of that animal; and

(*b*) secured in position so as to ensure that any gap between the side protection and the vehicle or receptacle will not result in injury or unnecessary suffering to an animal using the ramp.

(7) The provisions of paragraph (6)(*a*) shall not apply where a horse is loaded into or unloaded out of a vehicle by means of a ramp, if—

(*a*) the vehicle has been specifically constructed for the carriage of horses; and

(*b*) loading and unloading is effected only by the leading of horses into and out of that vehicle.

(8) Any receptacle containing animals shall be kept in an upright position while being loaded into or unloaded out of a vehicle.

Movement of animals within a vehicle or receptacle

5.—(1) A person shall not move an animal, or cause or permit an animal to be moved from one floor of a vehicle or receptacle to another floor of that vehicle or receptacle otherwise than by means of—

(*a*) mechanical lifting gear which is suitable for that purpose whether or not that lifting gear forms part of the vehicle;

(*b*) manual lifting or carrying; or

(*c*) in the case of a vehicle used for the carriage of animals by road a ramp which is constructed and maintained in accordance with the provisions of paragraph 6 of Part I of Schedule 1.

(2) The surface of every passageway which is within a vehicle or receptacle and is used in connection with the loading of animals into, the unloading of animals out of, or the movement of animals within that vehicle or receptacle shall be constructed, treated and maintained so as to prevent, so far as is practicable, any animal which uses that passageway from slipping.

Protection of animals during carriage

6.—(1) A person shall not carry an animal or cause or permit an animal to be carried by road or rail, in a vehicle or receptacle otherwise than in accordance with the provisions of this Article.

(2) It shall be the duty of the carrier or other person in charge of an animal being carried in a vehicle or receptacle to ensure that it is carried to its destination as soon as possible and that delays are minimised.

(3) An animal shall only be carried in a vehicle or receptacle in such a way as will ensure that it is—

(*a*) protected from the weather;

(*b*) not subjected to severe jolts or shaking;

(*c*) provided with an adequate supply of fresh air during its confinement in the vehicle or receptacle;

(*d*) prevented from escaping from or falling out of the vehicle or receptacle; and

(*e*) not caused injury or unnecessary suffering by reason of any cause whatsoever.

(4) An animal shall not be carried in a compartment of a vehicle, or receptacle, in which any goods which are likely to prejudice its welfare have been loaded.

(5) Where—

(*a*) a bull which is over the age of 12 months is carried in an undivided vehicle, receptacle or pen it shall, subject to the provisions of sub-paragraph 4(*d*) of Schedule 2, be secured by the head or neck;

(*b*) in accordance with the provisions of paragraph 2(2) of Schedule 2, two or more horses are carried loose in an undivided vehicle, receptacle or pen the hind feet of each horse shall be unshod.

(6) Where the floor of a vehicle or receptacle is not of an anti-slip design, it shall be strewn with a quantity of sand, or other suitable substance, which is sufficient to provide a proper foothold for any animal carried therein.

(7) When a partition in a vehicle or receptacle is used to separate animals being carried therein, it shall (when fitted in position) be of a height of not less than—

(*a*) 1.27 m in the case of cattle (other than calves) and horses; and

(*b*) 76 cm in any other case.

(8) An animal shall not be carried in a vehicle or receptacle unless the animal is accompanied by an attendant who shall be responsible for its general care and for ensuring that it is fed and watered in accordance with the provisions of Article 11. For the purposes of this paragraph the driver of a vehicle used for the carriage of animals by road or the guard of the train used for the carriage of animals by rail may be regarded as such attendant.

(9) Every vehicle or receptacle shall be provided with a means (whether fixed or portable) of artificial lighting which is capable of adequately illuminating the interior of that vehicle or receptacle for the purpose of facilitating the proper care of any animal carried therein.

(10) Every vehicle shall be provided with a door, other than that through which animals are loaded or unloaded, which gives access to each floor of the vehicle so that in the event of an emergency the attendant referred to in paragraph (8) can reach the animals on each floor of the vehicle. Such door shall not open direct into the pen in which the animals are carried unless the vehicle is fitted with equipment to prevent an animal which is carried therein from falling out of the vehicle when that door is opened.

(11) Subject to the provisions of paragraph (12) the floor of a vehicle or receptacle which is used for the carriage of calves or swine shall be covered with an adequate quantity of litter which has not previously come into contact with an animal.

(12) Where a vehicle or receptacle is used in the course of a single day for the carriage of calves or swine on two or more consecutive journeys between the same two places (other than between two markets) the same litter may be used on each journey.

(13) Where in a vehicle or receptacle the accommodation for the carriage of animals comprises, or has been adapted to comprise, two or more floors there shall be—

(*a*) sufficient height within each floor to permit each animal carried in that floor to stand in its natural position;

(*b*) sufficient space above each animal to allow for the proper circulation of air; and

(*c*) satisfactory access to each floor.

(14) Where a vehicle or receptacle is used for the carriage of horses, the height between the floor and the roof of that vehicle or receptacle shall be sufficient to permit each horse being carried therein to stand in a natural position and such height shall not in any case be less than 1.98 m.