1989 No. 165

ANIMALS

Transit of Animals (General) (Amendment) 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 19(*e*) and (*j*), 21, 23(*b*) 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 (General) (Amendment) Order (Northern Ireland) 1989 and shall come into operation on 24th May 1989.

Amendment of the Transit of Animals (General) Order (Northern Ireland) 1973

2. The Transit of Animals (General) Order (Northern Ireland) 1973(**b**) shall be amended as provided in Articles 3 to 7.

3.—(1) In Article 5 (Protection of animals from injury and unnecessary suffering during loading, unloading and carriage)—

(*a*) for paragraphs (3) and (4) there shall be substituted the following paragraphs—

"(3) Without prejudice to the generality of paragraphs (1) and (2), it shall be the duty of any person in charge of an animal which is being loaded into, unloaded out of or carried in a vessel, aircraft or vehicle to ensure that such animal is—

(*a*) protected from inadequately constructed or insecure fittings in that part of the vessel, aircraft or vehicle, or in the receptacle in which the animal is being carried;

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

(*c*) protected from the action of the weather and, if appropriate, the sea;

(*d*) provided with an adequate supply of fresh air (whether the vessel, aircraft or vehicle is stationary or in motion);

(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.) 1973 No. 300

(*e*) protected from exposure to undue fluctuations in temperature, humidity or air pressure;

(*f*) protected from undue exposure to noise or vibration; and

(*g*) prevented from escaping from or falling out of the vessel, aircraft or vehicle.

(4) The duty imposed on a person by paragraph (3) shall extend to any period during which the animal in respect of which a duty has been imposed is waiting to be loaded into or unloaded out of a vessel, aircraft or vehicle."; and

(*b*) after paragraph (4) there shall be inserted the following paragraph—

"(4A) A person shall not carry any deer with antlers in velvet by sea, air, road or rail or cause or permit any such deer to be so carried, unless special precautions are taken to protect such deer from harm during their carriage.".

4. After Article 5 there shall be inserted the following Article—

"Protection of cold-blooded animals during carriage

5A.—(1) A person shall not carry any cold-blooded animals by sea, air, road or rail or cause or permit any such animals to be so carried, unless they are carried—

(*a*) in such containers;

(*b*) under such conditions (with regard in particular to space, ventilation and temperature); and

(*c*) with such supplies of water and oxygen,

as are appropriate for their species.

(2) In this Article "cold-blooded animal" means an animal of any species of the following classes of vertebrates:

(*a*) Pisces,

(*b*) Amphibia,

(*c*) Reptilia; or

any species of the sub-kingdom Invertebrata.".

5. In Article 6 (Feeding, watering and general care of animals during carriage)—

(*a*) at the end of paragraph (1) for the full stop there shall be substituted the following—

"; and

(*e*) such animals are carried to their destination as soon as possible and delays are minimised."; and

(*b*) after paragraph (2) there shall be inserted the following paragraphs—

"(3) It shall be the duty of the owner or charterer of a vessel and of the operator of an aircraft in which any horses, rabbits, dogs or cats are being carried by sea or air in the course of international transport, and of the carrier or other person in charge of any rabbits, dogs or cats being carried by road or rail in the course of international transport to ensure that—

(*a*) in the case of horses being carried by sea or air, they are not left for more than 24 hours without being fed and watered save that such period may be extended if their international transport can be completed within a reasonable period;

(*b*) in the case of rabbits, suitable food and, if necessary, water, is available in adequate quantities, except where their international transport lasts for less than 12 hours; and

(*c*) in the case of dogs and cats—

(i) they are fed at intervals of not more than 24 hours,

(ii) they are given water at intervals of not more than 12 hours, and

(iii) clear written instructions are given to those persons responsible for feeding and watering them.

(4) The provisions of paragraph (3)(*c*) shall not apply in the case of a dog or cat which is being accompanied by its owner or by a person representing its owner.

(5) In paragraph (3) "international transport" means any movement of horses, rabbits, dogs or cats (as the case may be) which involves, or is intended to involve, the crossing of a frontier.".

6. For Article 8 (Carriage of animals in receptacles) there shall be substituted the following Article—

"Carriage of animals in receptacles

8.—(1) It shall be the duty of the consignor, carrier or other person for the time being in charge of an animal which is to be carried in a receptacle to ensure that the receptacle—

(*a*) is soundly constructed in a manner which is not likely to cause injury to animals carried in it;

(*b*) permits the animals contained in it to be inspected;

(*c*) is escape-proof;

(*d*) is easy to keep clean;

(*e*) is maintained in a good state of repair;

(*f*) is suitable for the species of animal to be carried in it;

(*g*) is not overcrowded;

(*h*) has securely attached to it a label or similar form of notice clearly indicating that the receptacle contains live animals and stating the species of those animals; and

(*i*) bears a sign indicating its upright position.

(2) It shall be the duty of the carrier or other person in charge of an animal which is to be carried in a receptacle on a vessel, aircraft or vehicle to ensure that—

(*a*) the receptacle is secured in such a manner as to prevent its displacement by the motion of the vessel, aircraft or vehicle;

(*b*) the receptacle is placed in the vessel, aircraft or vehicle so as to permit—