1982 No. 274

ANIMALS

Transit of Animals (Road) Order (Northern Ireland) 1982

Made . . . . . 23rd August 1982

Coming into operation as provided for in article 1

The Department of Agriculture, in exercise of the powers conferred on it by articles 5(1), 19, 20(1), 21 and 44 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.—(1) This order may be cited as the Transit of Animals (Road) Order (Northern Ireland) 1982 and shall, except for article 3 and Schedule 1, come into operation on 4th October 1982.

(2) Article 3 and Schedule 1 shall come into operation with respect to a vehicle or receptacle—

(*a*) which has not been used for the carriage of animals on or before the date specified in paragraph (1) on 4th October 1983; and

(*b*) which has been used for the carriage of animals on or before the date specified in paragraph (1) on 4th October 1987.

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 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;

"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

(a) S.I. 1981/1115 (N.I. 22)
(b) S.R. & O. (N.I.) 1972 No. 16

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 which is not self-propelled and which does not form part of a vehicle;

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

"vehicle" means any vehicle (including a trailer of any description and the detachable body of a vehicle) which is constructed, or adapted, for use in the carriage of animals by road, whether it is drawn or propelled by animal, or mechanical power.

Use, construction and maintenance of vehicles and receptacles

3. Subject to the provisions of this order, for the purpose of the carriage by road of an animal a person shall not use or cause or permit to be used—

(*a*) a vehicle other than one which is constructed and maintained in accordance with the provisions of Part I of Schedule 1; or

(*b*) a receptacle other than one which is constructed and maintained in accordance with the provisions of Part II of Schedule 1.

Loading and unloading of animals

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

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

(*a*) by the use of any instrument or 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—

(i) carried on the vehicle, or on the vehicle on which the receptacle is to be transported, and

(ii) constructed and maintained in accordance with the provisions of paragraph 5 of Part I of Schedule 1;

(*b*) a ramp which is not carried on the 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 sub-paragraphs (*b*) to (*d*) of paragraph (3) 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, and which is of a height and design suitable for the purpose of unloading the animal.

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

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

(*a*) provided on each side with 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 permit unnecessary suffering to an animal using the ramp.

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

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

(*b*) the loading and unloading of that vehicle is effected only by the leading of horses into and out of that 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*) a ramp which is constructed and maintained in accordance with the provisions of paragraph 6 of Part I of Schedule 1;

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

(*c*) manual lifting or carrying.

(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, an 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, in a vehicle or receptacle otherwise than in accordance with the provisions of this article.

(2) An animal shall be carried in a vehicle or receptacle only in such a way as will ensure that no unnecessary suffering is caused to the animal by reason of—

(*a*) its being exposed to the weather;

(*b*) the inadequacy of the supply of fresh air available for it during its confinement in the vehicle or receptacle;

(*c*) the inadequacy of the provision made to prevent it from falling out of or escaping from the vehicle or receptacle; or

(*d*) any other cause.

(3) Where—

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

(4) 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.

(5) 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;

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

(6) 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 10. For the purposes of this paragraph the driver of the vehicle may be regarded as such attendant.

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

(8) 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 (6) 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.

(9) Subject to the provisions of paragraph (10), 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.

(10) 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.

(11) 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.

(12) 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.

Overcrowding

7. A person who carries or is in charge of the carriage of animals which are being carried by road shall ensure that a vehicle, receptacle or pen which is loaded with animals is not so loaded as to cause by overcrowding unnecessary suffering to an animal being carried in that vehicle, receptacle or pen.

Accommodation of animals during carriage

8.—(1) A person shall not carry an animal by road, or cause or permit an animal to be so carried, otherwise than in accordance with the provisions of this article.

(2) Where in a vehicle, or a receptacle being transported on a vehicle, the length of the space for the carriage of animals exceeds—

(*a*) 2.5 m and the animals being carried are calves; or

(*b*) 3.1 m and the animals being carried are sheep, swine or goats; or

(*c*) 3.7 m and the animals being carried are horses or cattle (other than calves);

there shall be fitted in that vehicle or receptacle a partition or partitions to form a pen or pens for those animals not exceeding in length 2.5 m, 3.1 m or 3.7 m as the case may be.

(3) Where the number of animals carried in a vehicle, receptacle or pen is less than the number of animals which, having regard to the size of the animals, could without overcrowding be accommodated in that vehicle, receptacle or pen there shall be placed in that vehicle, receptacle or pen a partition so as to ensure that the animals therein are not—

(*a*) during carriage thrown about by the motion of the vehicle;

(*b*) overcrowded.

(4) Where horses are carried in a vehicle they shall be loaded in such a way as will ensure during carriage either—

(*a*) that each horse will stand facing the front or the rear of the vehicle and will be tied where necessary and that each group of horses shall be separated from each other group of horses by means of a partition placed across the vehicle which is adequate for the purposes of such separation; or

(*b*) that each horse will stand facing the side of the vehicle, will be tied where necessary and will be adequately supported against the motion of the vehicle.

(5) A receptacle shall—

(*a*) when being transported on a vehicle, not be placed on top of another receptacle;

(*b*) when being transported on a vehicle, be secured so as to—

(i) prevent its displacement by either the motion of the vehicle or the action of the weather;

(ii) provide adequate ventilation for each animal carried therein; and

(iii) provide unimpeded access to each animal carried therein; and

(*c*) have securely attached thereto—

(i) a label, or other form of notice, indicating that the receptacle contains live animals and stating the species of those animals, and

(ii) a sign indicating its upright position.

Separation of animals during carriage

9. The provisions of Schedule 2 shall apply as regards the separating in an undivided vehicle, receptacle or pen of animals during their carriage by road, and a person shall not otherwise than in accordance with the provisions of that Schedule carry animals in a vehicle, receptacle or pen, or cause or permit animals to be so carried.