1973. No. 300 **[NC]**

ANIMALS

Welfare of Animals

ORDER, DATED 3RD SEPTEMBER 1973, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTIONS 1, 5, 13, 15, 17 AND 53 OF THE DISEASES OF ANIMALS ACT (NORTHERN IRELAND) 1958.

The Ministry of Agriculture, on behalf of the Secretary of State and in exercise of the powers conferred on it by sections 1, 5, 13, 15, 17 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(a) (hereinafter called "the Act") and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order which may be cited as the Transit of Animals (General) Order (Northern Ireland) 1973 shall come into operation on 3rd September 1973.

Extension of the Act

2. For the purposes of this Order Part I of the First Schedule of the Act shall be amended by adding at the end thereof—

"All species of the following classes of vertebrates—

17. Pisces.

18. Amphibia.

19. Reptilia.

All species of the following sub-kingdom—

20. Invertebrata.".

Interpretation

3.—(1) In this Order, unless the context otherwise requires—

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

"animals" means the orders of mammals specified in Part I of the First Schedule of the Act (as amended by the Rabies (Importation of Mammals) Order (Northern Ireland) 1972(b)) and includes Pisces, Amphibia, Reptilia and Invertebrata and also poultry as defined in Part II of the First Schedule of the Act (as amended by the Diseases of Animals (Amendment of First Schedule—Poultry) Order (Northern Ireland) 1973(c));

"attendant" includes the driver of a road vehicle, the guard of a train and a member of the crew of a vessel or aircraft, insofar as any such person is designated to act as an attendant in respect of animals being carried;

(a) 1958. c. 13.
(b) S.R. & O. (N.I.) 1972, No. 17.
(c) S.R. & O. (N.I.) 1973, No. 170.

"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;

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

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

"receptacle" means a crate, box or container used for the carriage of animals and which is not an integral part of a vessel, aircraft or vehicle;

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

"vehicle" means, in relation to the carriage of animals by road, any vehicle (including a trailer of any description) constructed or adapted for use on a road, whether drawn or propelled by animal or mechanical power, and, in relation to the carriage of animals by rail, rolling stock of any description;

"vessel" includes hovercraft.

(2) Every duty relating to animals imposed by this Order shall be interpreted, in its application to individual animals or to animals of a particular class or species, according to the needs and characteristics of that individual, class or species, as the case may be.

(3) In relation to carriage by sea or air, the provisions of this Order shall apply to animals carried on any vessel or aircraft to or from a port or airport in Northern Ireland whether or not such animals are loaded or unloaded at such port or airport.

Application of existing Orders

4. Nothing in this Order shall be construed as in any way restricting or otherwise affecting the operation of the provisions for the time being in force of the Orders specified in the Schedule in their application to the carriage by road, rail, sea and air of the several species of animals to which they apply, and insofar as any provision of this Order is inconsistent with any provision of an Order specified in the said Schedule the provisions of the Order so specified shall prevail.

Protection of animals from injury and unnecessary suffering during loading, unloading and carriage

5.—(1) No person shall load any animal into or unload any animal out of a vessel, aircraft or vehicle, or cause or permit any animal to be so loaded or unloaded in a way which is likely to cause injury or unnecessary suffering to the said animal; and in the application of this paragraph to loading, the duty imposed on a person to safeguard an animal from injury or unnecessary suffering shall extend to injury or suffering which is likely to arise during carriage or at any time during which the animal is in the vessel, aircraft or vehicle.

(2) No person shall carry any animal by sea, air, road or rail, or cause or permit any animal to be so carried, in a way which is likely to cause injury or unnecessary suffering to the said animal.

(3) Without prejudice to the generality of the foregoing provisions of this Article 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 the said animal is not, and will not be, caused injury or unnecessary suffering—

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

(*b*) by coming into contact with any fitting or other part of the vessel, aircraft or vehicle which has not been adequately padded or fenced off, or with any other obstruction;

(*c*) from undue exposure to the action of the weather or the sea;

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

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

(*f*) from any other cause.

(4) The duty imposed on a person by the preceding paragraph to ensure that an animal is not caused injury or unnecessary suffering from the causes referred to therein shall extend to any period during which the said animal is waiting to be loaded into or unloaded out of a vessel, aircraft or vehicle.

(5) Where an inspector has reason to believe that an animal loaded in a vessel, aircraft or vehicle is likely, from whatever cause, to be caused injury or unnecessary suffering if carried therein, he may, by notice in writing served on the master of the vessel, the commander of the aircraft or the carrier or his agent or (in the case of carriage by road or rail) on the person for the time being having charge of the said animal, prohibit the carriage thereof, and require the animal to be unloaded forthwith out of the vessel, aircraft or vehicle and removed to such place as may be specified in the notice.

(6) Animals shall not be carried by sea or air if, in the judgment of the master or, as the case may be, the commander, there are grounds for believing that, due to adverse weather conditions, the voyage or flight will be attended by serious risk of injury to, suffering by or loss of life among the said animals.

Feeding, watering and general care of animals during carriage

6.—(1) It shall be the duty of the owner or charterer of a vessel and of the operator of an aircraft in which animals are being carried by sea or air, and of the carrier or other person in charge of animals being carried by road and rail, to ensure that—

(*a*) such animals are adequately fed and watered at suitable intervals during carriage, including for this purpose any period during which the said animals are waiting to be loaded or unloaded;

(*b*) where necessary, adequate supplies of food and water appropriate to the species of animals being carried are available in the vessel, aircraft or vehicle;

(*c*) an attendant is available during carriage who shall be responsible for carrying out feeding and watering as required by sub-paragraph (*a*) and for the general care of the animals in accordance with the provisions of this Order; and