

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

(d) where necessary, suitable access is readily available to the said animals for the purpose of feeding and watering, and for otherwise attending to them as required by this Order and that, if required, an adequate means of artificial lighting is provided.

(2) The provisions of sub-paragraphs (c) and (d) of the preceding paragraph shall not apply where animals being carried by air are accommodated in the hold of the aircraft; but in any such case, it shall be the duty of the operator to ensure that such animals are adequately fed and watered and otherwise attended to when the aircraft in which they are being carried is on the ground.

Unfit animals and animals likely to give birth during carriage

7.—(1) Subject to the following provisions of this Article, where the owner of an animal or his agent, or the consignor, carrier or other person in charge thereof, has reason to believe that the animal is unfit, or that it is likely to give birth during carriage, he shall not permit the said animal to be loaded into a vessel, aircraft or vehicle, or to be carried therein.

(2) Where an inspector is of the opinion that an animal intended to be carried—

(a) cannot, by reason of unfitness, be so carried without unnecessary suffering, or

(b) is likely to give birth while being so carried,

he may take such steps as appear to him to be necessary to mark or otherwise identify the said animal, and may require the owner or other person in charge thereof to detain the animal at a suitable place pending its examination by a veterinary inspector, and to unload it out of any vessel, aircraft or vehicle for the purpose.

(3) Where a veterinary inspector is satisfied that the condition of an animal is such as would bring it within sub-paragraph (a) or sub-paragraph (b) of the preceding paragraph, he may serve on the owner or other person in charge of the said animal a notice in writing—

(a) prohibiting absolutely or for such period as may be specified in the notice the carriage or, as the case may be, the further carriage of the animal; or

(b) permitting the carriage or, as the case may be, the further carriage of the animal subject to such conditions as may be specified in the notice.

(4) The person in charge of an animal which is to be carried by sea, air, road or rail, shall render such assistance as may be necessary to enable an inspector or veterinary inspector to examine the said animal for the purposes of this Article, and shall comply with all reasonable requirements of an inspector or veterinary inspector in connection therewith and with the provisions of a notice served under the preceding paragraph.

(5) The reasonable expenses arising from the exercise of the powers conferred on an inspector or veterinary inspector by the foregoing provisions of this Article shall be recoverable on demand as a civil debt by the Ministry from the owner of the animal or his agent, or from the consignor thereof, or from any person on whom a notice under paragraph (3) has been served.

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 therein, and is maintained in a good state of repair;
- (b) is suitable for the species of animal to be carried therein;
- (c) is not overcrowded, and that the animals are accommodated in such a way as to avoid any risk of injury or unnecessary suffering;
- (d) has securely attached thereto a label or similar form of notice clearly indicating that the receptacle contains live animals and stating the species of those animals; and
- (e) bears a sign indicating the upright position thereof.

(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 to ensure that the receptacle—

- (a) is secured in such a manner as to prevent its displacement by the motion of the vessel, aircraft or vehicle; and
- (b) is so placed in the vessel, aircraft or vehicle as to permit unimpeded access thereto, and adequate ventilation thereof;

Provided that the requirements of sub-paragraph (b) with regard to unimpeded access to a receptacle shall not apply where a receptacle is carried in the hold of an aircraft.

Accommodation of animals during carriage

9.—(1) It shall be the duty of the carrier or other person in charge of animals being carried to ensure that any vessel, aircraft or vehicle, or any pen therein, in which the animals are being carried is not overcrowded, and that the said animals are accommodated in such a way as to avoid any risk of injury or unnecessary suffering.

(2) Where two or more animals are being carried together in the same vessel, aircraft or vehicle, the carrier or other person in charge of the said animals shall ensure that, where necessary, the animals are separated from each other; and in determining whether it is necessary that such animals should be so separated, he shall have regard to their species, and in particular to any natural hostility which such animals may have towards each other.

Animals injured during carriage

10.—(1) Where an animal is seriously injured during carriage by sea or air, the master or, as the case may be, the commander shall, unless he is of the opinion that the said animal can be kept alive and landed without cruelty, cause it to be humanely slaughtered in a manner appropriate to its species.

(2) Where an animal is seriously injured during carriage by road or rail, the person in charge of the said animal shall without delay arrange either—

- (a) for the animal to receive veterinary treatment; or
- (b) for the animal to be carried with all practicable speed to the nearest place at which it can be slaughtered, if such carriage can be effected without cruelty.

Offences

11. The contravention of any provision of this Order, or the failure to comply with any such provision, or with any provision of a notice served under Article 5 or Article 7, or the causing or committing of any such contravention or non-compliance, shall be an offence against the Act.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 3rd day of September 1973.

(L.S.)

W. H. Jack,
Assistant Secretary.

SCHEDULE

ARTICLE 4

Orders regulating the carriage by road, rail, sea and air of certain animals

<i>No. of Order</i>	<i>Short title</i>
S.R. & O. (Ireland) 1913 No. 605	Transit of Horses, Asses and Mules (Ireland) Order of 1913 as amended (d).
S.R. & O. (Ireland) 1919 No. 1066	Conveyance of Live Poultry (Ireland) Order of 1919 as amended (e).
S.R. & O. (N.I.) 1923 No. 1076	Exportation of Animals (Northern Ireland) Order 1923 as amended (f).
S.R. & O. (N.I.) 1927 No. 38	Transit of Animals (Northern Ireland) Order of 1927 as amended (g).
S.R. & O. (N.I.) 1953 No. 87	Horses (Sea Transport) Order (Northern Ireland) 1953.
S.R. & O. (N.I.) 1955 No. 127	Transport by Air Order (Northern Ireland) 1955.
S.R. & O. (N.I.) 1958 No. 5	Animals (Sea Transport) Order (Northern Ireland) 1958.
S.R. & O. (N.I.) 1962 No. 208	Transit of Animals by Road Order (Northern Ireland) 1962 as amended (h).

(d) S.R. & O. (N.I.) 1926, No. 130, S.R. & O. (N.I.) 1953, No. 87.

(e) S.R. & O. (N.I.) 1927, No. 97.

(f) S.R. & O. (N.I.) 1939, No. 109.

(g) S.R. & O. (N.I.) 1932, Nos. 35 and 115.

(h) S.R. & O. (N.I.) 1963, No. 144.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order introduces a number of general measures intended to safeguard the welfare of a wide variety of animals during their carriage by sea, air, road and rail. The term "animals" as defined in the Diseases of Animals Act means all orders of mammals (other than man) and for the purposes of this Order "animals" is extended to include reptiles, fish, crustaceans and other cold blooded creatures and also poultry which, as defined in the Diseases of Animals Act, includes virtually all species of birds. Existing legislation covering the carriage of farm animals, horses and domestic poultry by sea, air, road and rail is not affected by the Order. In relation to the carriage of animals by sea or air, the Order applies to any animal carried on a vessel or aircraft to or from a port or airport in Northern Ireland, whether or not the animal is loaded or unloaded at that port or airport. Its requirements are, therefore, enforceable in respect of animals which are merely passing through Northern Ireland or call here en route for elsewhere.

The Order places a general duty on carriers and other persons in charge of animals during carriage to ensure that its provisions are applied to those animals in a manner appropriate to their species. A further duty is then imposed on those concerned with the loading, unloading and carriage of animals to ensure that these operations are carried out in such a way as will ensure that the animals are not caused injury or unnecessary suffering and such persons are also required to guard against the risk of injury or suffering arising from a number of specified causes.

Other provisions of the Order deal with the feeding, watering and general care of animals during carriage and with their accommodation in vessels, aircraft or vehicles. There are also special requirements with regard to carriage of animals in receptacles.

The loading or carriage of unfit animals, or of animals which are likely to give birth during carriage, is prohibited except where permitted by a veterinary inspector of the Ministry of Agriculture and the Order also provides for the way in which animals which are injured during carriage are to be dealt with.

Inspectors of the Ministry are authorised to require, by notice, the unloading of animals out of vessels, aircraft or vehicles where they have grounds for believing that the carriage of such animals, or their further carriage, is likely to cause injury or unnecessary suffering, and such inspectors are given similar powers in respect of animals which they have reason to believe are unfit or likely to give birth during carriage.