
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace, with changes, the instruments dealing with the cleansing and disinfection of means of transport for animals set out in Schedule 3. They implement paragraph 8 of Chapter I of the Annex to Council Directive [91/628/EEC](#) on the protection of animals during transport (O.J. No. L340, 11.12.91, p.17) which was previously implemented by paragraph 26 of Schedule 1 to the Welfare of Animals (Transport) Order 1997, (S.I. [1997/1480](#)).

They also implement Article 12.1(a), second indent, of Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine (that Directive was consolidated in the Annex to Council Directive [97/12/EC](#) (O.J. No. L109, 25.4.97, p.1).

They specify that, after the transport of any hoofed animals, and domestic fowl, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites, the means of transport must be cleansed and disinfected in accordance with Schedule 1 before it is used again to transport those animals (regulation 3(2) and (4)). They also specify that, even if this has been done, the means of transport must be cleansed and disinfected before those animals are transported if the means of transport has become soiled so as to cause a risk of transmission of disease (regulation 3(3)). Following a journey, they require a means of transport to be cleansed and disinfected as soon as reasonably practicable, but in any event within not more than 24 hours (regulation 3(5)). They require any person transporting such animals to remove dead animals, parts of animals, soiled bedding and excreta from the means of transport as soon as practicable (article 3(6)).

There are exceptions set out in Schedule 2 relating to journeys on a single enterprise, transport of certain horses and journeys between the same two points. In these cases, and for all other animals and birds, there is a requirement to ensure that they are loaded on to a means of transport which has been cleansed and, if necessary, disinfected and that dead animals, parts of animals, soiled bedding and excreta are removed from the means of transport as soon as practicable (regulation 4).

Regulation 5 sets out how material removed from a means of transport in accordance with Schedule 1 must be disposed of.

Regulation 6 provides for powers to inspectors in particular, to serve a notice requiring a means of transport to be cleansed and disinfected.

The Regulations are enforced by the local authority (regulation 7).

Regulation 8 sets out offences and penalties. The maximum penalty for an offence under the Regulations is the statutory maximum (currently £5,000).

The Regulations revoke those provisions set out in Part I of Schedule 3 and amend the provisions set out in Part II of that Schedule.

A regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Executive Rural Affairs Department, Division G4, Room 350, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.