

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace, with changes, the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000. The principal changes are the making of specific provision as to horses, requiring inspector's powers of entry to be exercised at a reasonable time and enabling inspectors to inspect certain computer equipment.

They implement paragraph 8 of Chapter I, and part implement paragraphs 30 of Chapter II, 32 of Chapter III, and 34 of Chapter IV, of the Annex to Council Directive [91/628/EEC](#) on the protection of animals during transport (O.J. No. L 340, 11.12.91, p.17) which was previously implemented by the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000.

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. L 109, 25.4.97, p.1).

Regulation 2 applies to any hoofed animals (other than horses); racing pigeons; and any domestic fowl, turkeys, geese, ducks, guinea-fowl, quails, pigeons, pheasants, partridges and ratites that are kept in captivity for breeding, the production of meat or eggs for consumption, or for restocking supplies of game. It specifies that after the transport of such animals (except in the case of journeys on a single farming enterprise, journeys between the same two points, journeys to and from livestock shows, and temporary unloading as described Schedule 1), the means of transport must be cleansed and disinfected in accordance with Schedule 2.

This must be done before the means of transport is used again to transport animals, and within 24 hours of the journey end (regulation 2(2) and (3)). In addition, 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 2(4)). Any person transporting such animals is required to remove dead animals, parts of animals, soiled bedding and excreta from the means of transport as soon as practicable (regulation 2(5)).

Subject to exemptions listed in regulation 3(2), for all other animals and birds (except horses), whilst the same conditions generally apply, there is no requirement to ensure cleansing and disinfecting in accordance with paragraph 2 of Schedule 2 (regulation 3). Schedule 1 sets out the circumstances in which regulation 3 is to apply to hoofed animals other than horses, racing pigeons and poultry in place of regulation 2.

Regulation 4 makes provision in relation to the transport of horses, which can act as a physical carrier of disease (i.e. via mud, bedding, etc.). Regulation 5 sets out requirements for disposal of material removed from a means of transport in accordance with Schedule 2.

Regulation 6 makes provision as to notices. Regulation 7 makes provision as to powers of inspectors (such as entry, examination, and enforcement etc.). Regulation 8 provides that the Regulations shall be enforced by the local authority, subject to the power of the Scottish Ministers to direct otherwise. Regulation 9 makes provision as to offences and penalties. Regulation 10 makes provision as to powers of inspectors in case of default.

Regulation 11 and Schedule 3 make provision as to revocations and amendments.

Schedule 2 sets out the methods of cleansing and disinfection of means of transport.

**Changes to legislation:**

There are currently no known outstanding effects for the The Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005.