

1969 No. 1784

ANIMALS

DISEASES OF ANIMALS

The Export of Horses (Protection) Order 1969

Made - - - - - 12th December 1969

Coming into Operation—

Articles 3, 4, 5, 6, 11(1), 11(2),
11(4), 14(2)(a)(ii) and
14(2)(b)- - - - -

1st June 1970

Remainder - - - - -

1st January 1970

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, in exercise of the powers conferred on them by sections 1, 20, 23 and 85 of the Diseases of Animals Act 1950(a), as read with the Transfer of Functions (Animal Health) Order 1955(b), as extended to horses by the Diseases of Animals (Extension of Definitions) Order 1952(c) and as adapted to air transport by section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(d), and by section 2 of the Ponies Act 1969(e), and of all other powers enabling them in that behalf, hereby order as follows:—

Citation and commencement

1. This order, which may be cited as the Export of Horses (Protection) Order 1969, shall come into operation on 1st January 1970, except for Articles 3, 4, 5, 6, 11(1), 11(2), 11(4), 14(2)(a)(ii) and 14(2)(b), which shall come into operation on 1st June 1970.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“the Act” means the Diseases of Animals Act 1950;

“animals” means cattle, sheep and goats, and all other ruminating animals and swine, horses, asses, mules and jennets;

“approved disinfectant” means a disinfectant approved for the time being for the purposes of the Diseases of Animals (Disinfection) Order of 1936(f);

“approved premises” has the meaning assigned to it by Article 3(1) of this order;

“exempted horse” means a horse which is exempted from examination under section 37 of the Act by any of the provisions of the Export of Horses (Excepted Cases) Order 1969(g);

(a) 1950 c. 36. For change of title of the Minister see S.I. 1955/554 (1955 I, p. 1200).

(b) S.I. 1955/958 (1955 I, p. 1184). (c) S.I. 1952/1236 (1952 I, p. 128).

(d) 1954 c. 39. (e) 1969 c. 28.

(f) S.R. & O. 1938/191 (Rev. II, p. 320; 1938 I, p. 303).

(g) S.I. 1969/1742 (1969 III, p. 5470).

“horse” includes pony, ass and mule;

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister of Agriculture, Fisheries and Food or by a local authority and, when used in relation to a person appointed by the said Minister, includes a veterinary inspector;

“local authority” means a local authority for the purposes of the Act;

“master” includes any person having the charge or command of a vessel, except the pilot;

“the Minister” in its application to horses shipped or intended to be shipped from England and Wales, means the Minister of Agriculture, Fisheries and Food, and in its corresponding application to Scotland, means the Secretary of State;

“pilot”, in relation to an aircraft, means the pilot or other person having the command or charge of the aircraft;

“pony” means any horse not more than 14½ hands in height, except a foal travelling with its dam if the dam is over 14½ hands;

“rest period” has the meaning assigned to it by Article 3(2) of this order;

“shipped” means carried by sea or air and “shipment” shall be construed accordingly;

“veterinary inspector” means a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the order hereby revoked were Acts of Parliament.

Provision for the resting of horses before export

3.—(1) Subject to the provisions of this order, it shall be unlawful to ship or attempt to ship or cause or permit to be shipped any horse from any place in Great Britain to any place outside the United Kingdom, the Channel Islands and the Isle of Man, unless immediately before being loaded in the vessel or aircraft in which it is to be carried it has been rested by detention for the rest period defined by the succeeding paragraph of this Article on premises (hereinafter referred to as “approved premises”) which are:—

(a) at or near the place of loading;

(b) provided with adequate protection against the weather;

(c) provided with facilities, including adequate lighting, to allow satisfactory supervision of horses throughout the detention period and for each horse to be individually inspected;

(d) provided with suitable facilities for tying horses; and

(e) approved in writing for that purpose, in England and Wales by the Minister of Agriculture, Fisheries and Food or in Scotland by the Secretary of State, which approval may be granted subject to such conditions as to the duration of the approval and otherwise as the said Minister or the Secretary of State may see fit to impose, and in particular subject to a condition (in addition to any limitation imposed by Article 4(b)(v) hereof) limiting the total number of horses to be rested on the premises at any one time.

(2) The rest period shall be a period of not less than 10 hours which shall include at least 3 consecutive hours between sunrise and sunset, and in respect of

any horse detained on approved premises in any pen or enclosure shall commence at the time of entry into such pen or enclosure of the last horse of the group to be rested thereon.

Provided always that if during the rest period of any horses, other horses are introduced into the pen or enclosure where horses already resting are detained, then the rest period of the horses already detained therein shall be deemed to have commenced at the time of the entry of the last of the horses so introduced.

(3) It shall be unlawful to load into any vessel or aircraft any horse required to be rested under this Article unless at the time of loading it is accompanied by a certificate signed by the person having charge of the approved premises on which the horse has been rested in accordance with the requirements of this Article to the effect that it was detained there throughout the whole of the rest period specified in the certificate.

Conditions of use of approved premises

4. No person having the charge or control of any approved premises shall use them or cause or permit them to be used for the rest period of any horses—

- (a) except in accordance with such conditions, if any, as the Minister of Agriculture, Fisheries and Food or the Secretary of State may have attached to his approval of the premises, and
- (b) unless during the whole of the rest period of any horses—
 - (i) sufficient clean bedding is provided;
 - (ii) an adequate supply of wholesome and palatable food suitable for horses is provided in racks or troughs which are easily accessible to the horses and are such as by their number, dimensions and disposition enable all the horses to eat simultaneously;
 - (iii) an adequate supply of wholesome water is provided in suitable receptacles easily accessible to the horses;
 - (iv) all animals, other than horses being detained in accordance with the provisions of this order or of any licence granted under it, are excluded from the premises;
 - (v) not more than 10 horses are detained together in any one pen or enclosure;
 - (vi) any horse (other than a mare which has a foal at foot) with shod hind feet is either penned by itself or suitably tied by the head in such a manner that it cannot injure any other horse;
 - (vii) any mare which has a foal at foot is kept separate (with its foal) from any other horse, and any stallion is kept separate from any other horse;
 - (viii) separate pens or enclosures are provided for horses which are ailing or which disturb other horses detained on the premises and any such horses are placed in such pens and enclosures;
 - (ix) the horses are supervised by experienced and competent attendants;
 - (x) all reasonable facilities are afforded to an inspector or to any police officer for observation of the horses during detention.

Cleansing and disinfection

5.—(1) No person shall use any pen, fitting or utensil on approved premises in connection with the detention of horses for a rest period under the provisions

of this order unless such pen, fitting or utensil has before each occasion on which it is so used been—

- (a) scraped and swept, and any scrapings, dung, litter or other matter removed or burnt; and
- (b) thoroughly washed and scrubbed with water and thereafter thoroughly disinfected with an approved disinfectant.

(2) An inspector may give notice in writing to the person having charge of approved premises requiring the cleansing and disinfection of the whole or any part of those premises or of any pen, fitting, utensil or other thing, or prescribing the method of disposal of dung, food, litter or other matter.

(3) When such notice shall have been given the approved premises or such part thereof as may be specified in the notice or such things as are mentioned in the previous paragraph of this Article (as the case may be) shall not be used for horses unless and until the cleansing and disinfection required by the said notice has been carried out to the satisfaction of an inspector, and dung, food, litter or other matter shall not be disposed of otherwise than in accordance with the notice.

Notification of arrival at approved premises

6. It shall be the duty of the person having the charge or control of any approved premises—

- (a) to give to an inspector of the Ministry and to the local authority not less than 48 hours notice of the anticipated time of arrival of any consignment of horses to be rested therein, and
- (b) to notify with all practicable speed to an inspector of the Ministry and to the local authority at the commencement of the rest period of any consignment of horses—
 - (i) the number of horses in the consignment;
 - (ii) the actual time of arrival at the premises of the last horse in the consignment; and
 - (iii) the place or places from which the consignment was despatched.

Restriction on the export of exempted horses

7. Subject to the provisions of this order, it shall be unlawful to ship or attempt to ship or to cause or permit to be shipped any exempted horse other than a horse of the description mentioned in the proviso to this Article, from any place in Great Britain to any place outside the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man unless immediately before shipment the horse has been inspected in accordance with the provisions of this order by a veterinary inspector and has been certified in writing by him to be capable of being conveyed to the destination to which it is to be shipped and disembarked without unnecessary suffering.

Provided that this Article shall not apply to an exempted horse shipped from any place in Great Britain to any place outside Europe.

Inspection of exempted horses and ponies

8.—(1) Any inspection of an exempted horse for the purposes of this order or of a pony for the purposes of section 37(4A) of the Act (which requires any pony shipped from Great Britain outside the United Kingdom, the Channel Islands and the Isle of Man to undergo veterinary inspection) shall be made immediately before shipment at a place to be approved by a veterinary inspector, and having such facilities for the inspection of horses as may reasonably be required by him.

(2) It shall be the duty of any person exporting any exempted horse required to be inspected under this order or any pony to provide all reasonable assistance to the veterinary inspector making the inspection.

Expiry of certificate of veterinary inspection

9. Any certificate of veterinary inspection issued under this order or pursuant to section 37(4A) of the Act shall specify the date and time of the inspection and shall cease to be valid for the purposes of this order or of the Act (as the case may be) after the expiry of 18 hours from the time at which the inspection was carried out.

Notification by veterinary inspector of unfitness for travel of a horse

10. Where a veterinary inspector is of opinion that any exempted horse inspected under the provisions of this order or any pony inspected pursuant to section 37(4A) of the Act cannot be conveyed to its destination and disembarked without unnecessary suffering, he may—

- (a) place a mark upon the horse (or pony) and serve a notice on the person in charge of it and also, when practicable, upon the master of the vessel or the pilot of the aircraft (as the case may be) prohibiting the shipment of the horse (or pony), and until such notice is withdrawn by a veterinary inspector, it shall be unlawful to ship the horse (or pony);
- (b) in the case of a horse (or pony) already loaded into a vessel or aircraft, serve a notice on the master of the vessel or the pilot of the aircraft (as the case may be) in which it is loaded requiring him to unload it;
- (c) serve a notice on any person having charge of the horse (or pony) requiring him to comply with such conditions as to rest or other treatment of it before it is shipped as the veterinary inspector may specify in the notice.

Exemptions from resting and veterinary inspection

11.—(1) Nothing in this order shall require the resting before shipment of any horse (other than a pony) which is shipped from any place in Great Britain to any place which is in the Republic of Ireland or which is outside Europe.

(2) Nothing in this order shall require the resting before shipment of any horse in respect of which a written certificate has been issued by a steward or the secretary of the Jockey Club pursuant to section 40 of the Act (which relates to thoroughbred horses shipped for the purpose of being run in a race or breeding).

(3) The Minister may grant a licence exempting from the provisions of Article 3 or of Article 7 of this order (or of both of them) any horse (other than a pony) which he is satisfied—

- (a) is intended for exhibition, jumping, polo or racing;
- (b) is a thoroughbred horse intended for breeding;
- (c) by reason of special circumstances does not require resting before shipment, or veterinary inspection; or
- (d) is a foal travelling with its dam if the dam is a horse exempted under the foregoing provisions of this paragraph.

(4) The Minister may grant a licence exempting from the provision of Article 3 of this order any pony which he is satisfied by reason of special circumstances does not require resting before shipment.

Licences

12.—(1) An application for any licence which may be granted under this order shall be made to the Minister, in such form and manner as the Minister may require, 7 days before the intended date of shipment of the horse to which the application relates (or within such lesser period as the Minister may at his discretion allow), and any licence so granted may have attached thereto such conditions as the Minister may think fit for the prevention of unnecessary suffering in transit.

(2) Failure to comply with any term of a licence issued under this order shall be an offence against the Act.

Requirements in respect of ponies intended for export

13.—(1) In the case of any pony intended for shipment from any port in Great Britain to any port outside the United Kingdom, the Channel Islands and the Isle of Man in respect of which the Minister is required under the provisions of section 37(4A) of the Act to be satisfied that it is intended for breeding, riding or exhibition, and is of not less value than the relevant amount specified in that section, the owner or other person intending to ship the pony shall furnish to the Minister 7 days before the intended date of shipment of the pony (or within such lesser period as the Minister may at his discretion allow) such evidence as the Minister may require—

(a) as to the purpose for which the pony is intended to be used after export; and

(b) as to the value of the pony.

(2) Upon receipt of evidence under the foregoing provisions of this Article which he considers satisfactory as to the aforesaid requirements of the said section 37(4A) of the Act the Minister shall issue to the person submitting such evidence a certificate to that effect.

Production of certificates and licences

14.—(1) Any certificate issued under Article 3, Article 7 or Article 13 of this order, and any licence issued under Article 11 thereof shall be delivered at the time of shipment to the master of the vessel or pilot of the aircraft on which the horse or pony to which the certificate or licence relates is loaded, who shall on demand produce the same to any police officer, or any officer of the Minister or of the local authority or Customs and Excise and allow such person to take a copy or extract from any such certificate or licence.

(2) It shall be unlawful for the master of any vessel or the pilot of any aircraft to permit to be shipped—

(a) any exempted horse to which Article 7 of this order applies unless there has been delivered to him in respect thereof—

(i) a certificate under Article 7 of this order or a licence in lieu under Article 11 thereof; and

(ii) a certificate under Article 3 of this order or a licence in lieu under Article 11 thereof.

(b) a pony unless there has been delivered to him in respect thereof a certificate under Article 3 of this order or a licence in lieu under Article 11 thereof.

Information to be given about proposed shipment

15. Where under the provisions of this order or of section 37(4A) of the Act any exempted horse or any pony has to be inspected by a veterinary inspector the person making application for such inspection shall if the Minister so requires supply 7 days before the date of shipment (or within such lesser period as the Minister may at his discretion allow), such information in writing as the Minister, having regard to the circumstances of the case, considers necessary for the purpose of ensuring that the horse or pony is properly inspected.

Local Authority to enforce Order

16. This order shall, except where it is otherwise provided, be executed and enforced by the local authority.

Revocation

17.—(1) The Exported Horses Protection Order 1966(a) is hereby revoked.

(2) Any certificate or licence insofar as it relates to a horse over 14½ hands in height or to a foal travelling with its dam where the dam is such a horse made or having effect under the aforesaid order, if in force immediately before the coming into operation of this order, shall thenceforth have effect under and by virtue of this Article.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on
12th December 1969.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 12th December 1969.

(L.S.)

William Ross,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This note is not part of the Order.)

This order revokes and re-enacts with amendments the Exported Horses Protection Order 1966.

Horses (other than ponies) exempted from the veterinary examination required by section 37 of the Diseases of Animals Act 1950 and which are exported from Great Britain to any place in Europe outside the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man are required immediately

before export to undergo inspection by a veterinary inspector and to be certified by him to be capable of being conveyed to their destination and disembarked without unnecessary suffering. In the case of ponies intended for export (further to section 37(4A) of the Diseases of Animals Act 1950) administrative arrangements for a veterinary inspection etc. are also laid down. The order further empowers a veterinary inspector to prohibit the carriage of any horse or to require removal of any horse from a vessel or aircraft if it is likely to be exposed to unnecessary suffering during transit. All these provisions take effect from 1st January 1970.

From 1st June 1970, the order also requires horses (including ponies) exported from Great Britain outside the United Kingdom, the Channel Islands or the Isle of Man to be rested at approved premises for at least 10 hours before loading into the vessel or aircraft in which they are to be exported. It requires the provision of adequate and accessible food and water and shelter and bedding, and limits the number of horses which may be put at one time into any one pen or enclosure. An exemption is made in respect of horses (other than ponies) shipped to the Republic of Ireland or outside Europe.