
 STATUTORY INSTRUMENTS

1981 No. 1051

ANIMALS

ANIMAL HEALTH

The Export of Animals (Protection) Order 1981*Made - - - - 21st July 1981**Coming into Operation 28th September 1981*

ARRANGEMENT OF ARTICLES

Article

1. Citation and commencement.
2. Interpretation.
3. Regulation of exportation of animals in the interests of their welfare.
4. Resting of animals before export.
5. Use of approved premises.
6. Power to require isolation of animals.
7. Duty to provide information.
8. Cleansing and disinfection.
9. Loading of animals for international transport.
10. Animals unfit for transportation.
11. Protection of animals during loading and unloading.
12. Prohibition of transportation of animals by sea or air during adverse weather.
13. Exemptions.
14. Production of licences, etc.
15. Offences.
16. Local authority to enforce order.
17. Revocation.

The Schedule.

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7(1)(a) and (d), 8(1)(a), 37, 38(1) and 39 of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby order as follows:—

Citation and commencement

1. This order may be cited as the Export of Animals (Protection) Order 1981 and shall come into operation on 28th September 1981.

(a) 1981 c. 22; for the application of the Act to hovercraft see the Hovercraft (Application of Enactments) Order 1972 (S.I. 1972/971).

Interpretation

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

“the Act” means the Animal Health Act 1981;

“airport” includes any place at which animals are loaded into or unloaded from an aircraft;

“animals” means cattle, goats, sheep and swine;

“appropriate Minister” means in relation to England, the Minister, and in relation to Scotland or Wales, the Secretary of State;

“approved disinfectant” means a disinfectant for the time being listed as an approved disinfectant in Schedule 1 or Schedule 2 to the Diseases of Animals (Approved Disinfectants) Order 1978(a);

“approved premises” has the meaning given to it by Article 4(1) of this order;

“calves” means cattle under the age of six months;

“cattle” means bulls, cows, steers, heifers and calves;

“consignment” means one or more animals transported together in the same vehicle, vessel or aircraft;

“dried milk” means milk, partly skimmed milk or skimmed milk, which has been concentrated to the form of powder or solid by the removal of water;

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

“international transport” means any movement of animals effected by a means of transport which involves the crossing of a frontier;

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

“the Minister” means the Minister of Agriculture, Fisheries and Food;

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

“port” includes any place at which animals are loaded into or unloaded from a vessel;

“receptacle” means a crate, box or other container used for the carriage of animals which is not self-propelled, and which does not form part of a vehicle, vessel or aircraft;

“rest period” has the meaning given to it by Article 4(3) of this order;

“unfit” includes infirm, diseased, ill, injured and fatigued;

“vehicle” means—

(a) in relation to carriage of animals by road, any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road whether drawn or propelled by animal or mechanical power, and

(b) in relation to carriage of animals by rail, rolling stock of any description;

“vessel” includes hovercraft;

“veterinary inspector” means a veterinary inspector appointed by the Minister.

(a) S.I. 1978/32; relevant amending instrument is S.I. 1981/1050.

- (2) (a) For the purposes of this order the international transport of an animal shall begin when the animal is loaded for export at approved premises. Where an animal is exempted from being rested at approved premises by a licence granted under Article 13 of this order, the international transport of that animal shall begin when it is loaded for export at the premises named in the licence. Where two or more animals are to be transported together, the international transport of all the animals in that consignment shall begin when the first animal is loaded for export. Where an animal is led on foot from approved premises or the premises named in the licence to a vessel or aircraft at a port or airport, the international transport of that animal shall begin when it is loaded into the vessel or aircraft for export.
- (b) For the purposes of this order the international transport of an animal shall end when the animal has reached its final destination.
- (3) 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.

Regulation of exportation of animals in the interests of their welfare

3.—(1) No person shall export or cause or permit to be exported from Great Britain to any place outside the United Kingdom, the Channel Islands and the Isle of Man any animals except under the authority of a licence in writing granted by the appropriate Minister and in accordance with the conditions, if any, of that licence.

(2) The appropriate Minister in granting or refusing to grant a licence shall have regard to all matters connected with the welfare of the animals intended for export and in particular the appropriate Minister shall not grant a licence unless he is satisfied that the arrangements for transporting the animals to their final destination are such as to protect them from unnecessary suffering.

(3) Any person wishing to obtain a licence under this Article shall make an application to the appropriate Minister in such form and manner and within such time as the appropriate Minister may require and shall provide the appropriate Minister with the following information—

- (a) the number and description of each species of animal in respect of which the application is made;
- (b) where applicable, the stage of pregnancy of the animals;
- (c) the address of the approved premises in which the animals are being, or will be, rested;
- (d) the details of arrangements made for feeding and watering those animals whose international transport is unlikely to be completed within 18 hours;
- (e) the mode of transport of the animals to their final destination and the description and the identifying details of the vehicles, vessels, aircraft or receptacles to be used for this purpose;
- (f) the ports or airports of embarkation and disembarkation;
- (g) the name and address of the person to whom the animals are to be consigned; and
- (h) the address of the place which is to be the final destination of the animals and the name of the person in charge of that place.

(4) The appropriate Minister may vary, revoke or suspend a licence granted under this Article by a notice in writing served on the person to whom the licence was granted.

Resting of animals before export

4.—(1) No person shall export or cause or permit to be exported from Great Britain to any place outside the United Kingdom, the Channel Islands and the Isle of Man any animals unless immediately before their international transport they have been rested by detention for the rest period defined in paragraph (3) of this Article on premises (hereinafter called “approved premises”) which are—

- (a) having regard to all factors affecting the welfare of animals, within a reasonable distance of the port or airport of embarkation;
 - (b) provided with suitable protection against the weather; and
 - (c) approved in writing for that purpose by the appropriate Minister.
- (2) The appropriate Minister may—
- (a) grant the approval referred to in paragraph (1)(c) of this Article subject to such conditions as may be specified in the approval;
 - (b) vary, revoke or suspend the approval by notice in writing served on the owner, occupier or the person having the charge or control of the approved premises;
 - (c) grant the approval to remain in force until revoked or to expire at a time specified in the approval.

(3) The rest period shall be a period of not less than 10 consecutive hours and shall begin as soon as the last animal in a consignment has entered the pen or enclosure where the resting is to take place and all the procedures, other than those which solely concern the care of the animals, the feeding and watering of the animals and the veterinary inspection for the purpose of ascertaining whether they are fit for transportation, in relation to every animal in the consignment, are completed. The removal of an animal from one pen into another in accordance with the provisions of Article 5(1)(I) and Article 6 below shall not affect the calculation of the rest period.

Use of approved premises

5.—(1) Subject to paragraph (2) below, no person having the charge or control of any approved premises shall use them or cause or permit them to be used unless during the whole of the rest period of any animals—

- (a) suitable, sufficient and clean bedding is provided;
- (b) an adequate supply of wholesome food is provided on the premises and is offered to the animals in accordance with the following provisions, namely—
 - (i) the food for sheep, goats or cattle (other than calves on a liquid diet and unweaned animals) shall be placed in racks or troughs which shall be easily accessible to the animals and by their number and dimensions shall be such as to enable all the animals to eat simultaneously;
 - (ii) the food for swine (other than unweaned piglets) shall be placed in troughs which shall be easily accessible to the swine and by their number and dimensions shall be such as to enable all the swine to eat simultaneously;
- (c) there is provided on the premises suitable food for calves which are on a liquid diet together with suitable arrangements for preparing such food and for feeding such calves;
- (d) no milk other than milk reconstituted from dried milk is fed to the animals;

- (e) an adequate supply of wholesome water is provided on the premises in such a way as to make it easily accessible to the animals and enable not less than one-tenth of the number of each species of animal to which it is offered to drink simultaneously;
- (f) all animals, other than the animals which are being detained in accordance with the provisions of this order or of a licence granted under Article 13 below, are excluded from the premises;
- (g) animals which are being detained on the premises are so accommodated as to ensure that they are not disturbed by the arrival or departure of animals in other consignments;
- (h) any pen or enclosure being used by the animals detained on the premises—
 - (i) is so constructed as to be suitable for the animals using it,
 - (ii) is capable of being cleansed and disinfected,
 - (iii) is so constructed and kept in such a condition as to prevent animals from slipping,
 - (iv) does not have any sharp edge or any projection which is likely to cause injury or unnecessary suffering to the animals,
 - (v) is of such dimensions as to enable all animals detained in it to have easy access to the food and water provided,
 - (vi) has sufficient space to enable the inspection of each animal detained in it,
 - (vii) does not contain animals of different species at one time, and
 - (viii) does not at any time contain more than 30 cattle (other than calves), or 40 calves, or 40 swine, or 100 sheep or 100 goats;
- (i) any passageway used by the animals detained on the premises complies with the requirements of sub-paragraph (h)(i) to (iv) above and is not used by animals of different species at one time;
- (j) animals where they are being detained in pens or enclosures are, having regard to their fitness and to any differences in their age and size, so contained and distributed within the pens or enclosures as to avoid unnecessary suffering through injury, overcrowding or any other cause;
- (k) animals are detained on the premises in accordance with the provisions of the Schedule to this order;
- (l) an animal which is ailing or which is causing or is likely to cause any injury or unnecessary suffering to other animals is kept in isolation in a separate pen or enclosure provided on the premises;
- (m) animals in milk, unless suckling, are milked within two hours of their arrival at the approved premises and at intervals of not more than 12 hours thereafter, and suitable milking facilities are provided on the premises for this purpose;
- (n) permanent artificial lighting is installed capable of providing an illumination of not less than 50 lux to the exposed surfaces of any wall, partition or floor with which animals have direct contact and an illumination of 100 lux in that part of premises, pens or enclosures, where animals are inspected;
- (o) facilities are provided at the premises for the loading and unloading of animals and such facilities and arrangements for the loading and unloading of animals have been approved by a veterinary inspector;

- (p) an experienced and competent stockman is available to supervise the care and feeding and watering of the animals in accordance with the provisions of this order;
- (q) all reasonable facilities and assistance are afforded to an inspector or to any constable for the examination of the animals, and for the observation of their treatment during detention.

(2) Nothing in this Article shall require unweaned animals and calves which are on a liquid diet to be offered water. Nothing in paragraph (1)(b) shall prevent food being offered to the animals in such other way as may be specified in the approval of the premises, and nothing in paragraph (1)(d) shall prevent unweaned animals from being suckled by their dams.

Power to require isolation of animals

6. Where an animal which is being rested in a pen or enclosure on approved premises is ailing or is causing or is likely to cause any injury or unnecessary suffering to other animals, an inspector may require the person having the charge or control of the approved premises to keep that animal in isolation in a separate pen or enclosure provided on the premises.

Duty to provide information

7.—(1) The person having the charge or control of any approved premises shall—

- (a) subject to paragraph (2) below, notify to an inspector appointed by the Minister the anticipated time of arrival of any animals to be rested on the premises not more than seven days and not less than 24 hours before the anticipated time of arrival;
- (b) subject to paragraph (2) below, notify to an inspector appointed by the Minister and to the local authority the anticipated time of loading of animals into a vessel or aircraft not more than seven days and not less than 24 hours before the anticipated time of loading;
- (c) notify with all practicable speed to an inspector appointed by the Minister and to the local authority at the beginning of the rest period of any animals—
 - (i) the number of each species of animal in the consignment,
 - (ii) the time when the animals arrived, and
 - (iii) the time when the rest period began;
- (d) provide the officer of the appropriate Minister or of the local authority who is present by virtue of Article 9(1)(i) below with a signed statement that the animals in the consignment have been rested on the premises for the period specified in the statement and that they have been offered food and water during that period.

(2) Where the person having the charge or control of approved premises is, for reasons beyond his control, unable to give the 24 hours' notification required by sub-paragraphs (a) and (b) above, an inspector appointed by the Minister as well as the local authority concerned may modify that requirement so as to enable a shorter notification to be given.

Cleansing and disinfection

8.—(1) The person having the charge or control of any approved premises shall not use or cause or permit to be used any pen, enclosure, fitting, utensil or other thing on the premises in connection with the detention of any animals during their rest period unless such pen, enclosure, fitting, utensil or other thing has before each occasion on which it is so used been—

- (a) scraped and swept and any dung, litter or other matter removed from the premises or burnt; and
 - (b) thoroughly washed and scrubbed with water and thereafter thoroughly disinfected with an approved disinfectant and dried, allowed to dry or otherwise suitably prepared for the reception of animals.
- (2) An inspector may serve a notice in writing on the person having the charge or control of any approved premises requiring him—
- (i) to cleanse and disinfect the whole or any part of the premises, or of any pen, enclosure, fitting, utensil or other thing in such manner as he may specify in the notice, and
 - (ii) to dispose of any dung, litter or other matter in such manner as he may specify in the notice.
- (3) The person having the charge or control of any approved premises who is given notice in accordance with paragraph (2) above shall not use or cause or permit to be used the premises or that part thereof which is specified in the notice or any pen, enclosure, fitting, utensil or other thing so specified in connection with the detention of animals during their rest period until the cleansing and disinfection required by the notice has been carried out to the satisfaction of an inspector.

Loading of animals for international transport

- 9.—(1) No person shall load an animal or cause or permit an animal to be loaded for international transport unless—
- (i) the loading takes place in the presence of an officer of the appropriate Minister or of the local authority, and
 - (ii) the consignment is accompanied by a certificate signed by a veterinary inspector stating that he has inspected every animal in the consignment and found every animal fit for transportation.
- (2) The certificate referred to in paragraph (1)(ii) above shall state the date and time of inspection and shall cease to have effect on the expiry of 24 hours from the time stated in it.
- (3) Nothing in this Article shall be construed as requiring a veterinary inspector or an officer of the appropriate Minister or of the local authority to discharge any of his functions under it at an unreasonable hour of the day.

Animals unfit for transportation

- 10.—(1) Where a veterinary inspector is of the opinion that any animal required to be rested under this order or in respect of which a licence has been granted under Article 13 of this order is unfit for international transport or that the animal is likely to give birth during international transport, he may—
- (a) place a mark on the animal and serve a notice in writing on the person having the charge or control of the animal or of the vehicle, vessel, aircraft or receptacle in which the animal is to be transported prohibiting the transportation of the animal, and where the animal is already loaded into a vehicle, vessel, aircraft or receptacle the notice may require the person on which it is served to unload the animal;
 - (b) serve a notice on the person having the charge or control of the animal or of the vehicle, vessel, aircraft or receptacle requiring him to have the animal rested or treated at such place and in such manner as he may specify in the notice. An animal required to be rested or treated shall not be moved from the place where it is being rested or treated

unless such movement is authorised by the notice served under this sub-paragraph and is in accordance with the conditions, if any, specified in the notice.

(2) An animal to which this Article applies shall not be considered fit for international transport if it has given birth during the 48 hours before such transportation begins.

(3) A veterinary inspector may vary or withdraw a notice served under paragraph (1)(a) or (b) of this Article by a notice in writing served on the person on whom the notice to be varied or withdrawn was served.

Protection of animals during loading and unloading

11. No person shall load an animal into or unload an animal from a vehicle, vessel, aircraft or receptacle by lifting the animal by the head, horns, legs, tail or fleece.

Prohibition of transportation of animals by sea or air during adverse weather

12. Animals which are required to be rested under this order or in respect of which a licence has been granted under Article 13 of this order shall not be transported by sea or air, if, in the judgement of the master of the vessel or the pilot of the aircraft, there are reasonable grounds for believing that, due to adverse weather conditions, the voyage or flight would be attended by serious risk of injury to, suffering by or loss of life among the animals.

Exemptions

13.—(1) The appropriate Minister may grant a licence exempting from any of the provisions of this order, other than the provisions of Articles 10, 11 and 12, any animals which he is satisfied are—

- (a) pedigree animals intended for breeding;
- (b) animals intended for breeding which are capable of imparting commercially valuable characteristics to their progeny;
- (c) companion animals; or
- (d) animals intended for exhibition or other special purpose.

(2) The appropriate Minister shall not grant a licence under this Article unless he is satisfied that the animals are unlikely to be exposed to unnecessary suffering as a result of the exemption.

(3) The appropriate Minister may grant a licence under this Article subject to such conditions as he considers fit to prevent any unnecessary suffering to the animals.

(4) Any person wishing to obtain a licence under this Article shall make an application to the appropriate Minister in such form and manner and within such time as the appropriate Minister may require and shall provide the appropriate Minister with the following information—

- (a) the information required to be provided under paragraph (3) of Article 3 of this order except the information required under sub-paragraph (c) of that paragraph;
- (b) the address of the premises where the animals are or will be immediately before they are loaded for international transport; and
- (c) the purpose for which the animals are to be exported.

(5) The appropriate Minister may vary, revoke or suspend a licence granted under this Article by notice in writing served on the person to whom the licence was granted.

Production of licences, etc.

14.—(1) Any approval, licence, notice or certificate granted, served or issued under this order shall, on demand, be produced to an officer of the appropriate Minister or of the local authority or of Customs and Excise or to a constable and such officer or constable may take copies of or extracts from any documents so produced.

(2) Any licence granted under this order or certificate issued under Article 9(1)(ii) above shall be produced to the master of the vessel or pilot of the aircraft in which the animals to which the licence or certificate relates are to be transported.

Offences

15. If any person, without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of this order or any provision of an approval, licence, notice, certificate or requirement granted, served, issued or made under this order, or fails to comply with any such provision or with any condition of such approval, licence or notice, or causes or permits any such contravention or non-compliance, he shall be guilty of an offence against the Act.

Local authority to enforce order

16. The provisions of this order shall, except where expressly otherwise provided, be executed and enforced by the local authority.

Revocation

17. The Exported Animals Protection Order 1964(a) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th July 1981.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

16th July 1981.

George Younger,
Secretary of State for Scotland.

21st July 1981.

Nicholas Edwards,
Secretary of State for Wales.

Article 5(1)(k)

SCHEDULE

SEPARATION OF ANIMALS DURING THE REST PERIOD

1. An animal of one of the following descriptions shall be kept separate from any other animal, that is to say—
 - (a) a bull over 10 months of age;
 - (b) a cow when accompanied by a calf or calves it is suckling;
 - (c) a boar over six months of age;
 - (d) a sow when accompanied by unweaned piglets;
 - (e) a male goat over six months of age;
 - (f) a female goat when accompanied by unweaned kids.
2. Animals of any one of the following descriptions may be kept together but shall be kept separate from any other animal, that is to say—
 - (a) bulls over 10 months of age if they are all secured by the head or neck;
 - (b) bulls under 15 months of age which have been reared together and which are not intended for breeding;
 - (c) horned cattle;
 - (d) cattle without horns;
 - (e) horned cattle and cattle without horns if they are all secured by the head or neck;
 - (f) calves;
 - (g) ewes when accompanied by unweaned lambs;
 - (h) other sheep;
 - (i) weaned piglets under three months of age;
 - (j) other swine;
 - (k) male goats over six months of age if they are all secured by the head or neck;
 - (l) horned goats;
 - (m) goats without horns;
 - (n) horned goats and goats without horns if they are all secured by the head or neck.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-enacts the Exported Animals Protection Order 1964 with amendments. The Order continues to prohibit the export of farm animals unless they are rested at approved premises for at least 10 hours before they are exported (Article 4) and are accompanied by a certificate issued by a veterinary inspector stating that they are fit for transportation (Article 9(1)(ii)). The provisions which prohibit the transportation of animals during adverse weather (Article 12) and which enable a veterinary inspector to prohibit the transportation of unfit animals (Article 10) are also continued.

The principal changes from the 1964 Order are—

1. The Order applies to goats in addition to cattle, sheep and swine.
2. The Order has been extended to apply to the export of animals to the Republic of Ireland.
3. Article 3 introduces a licensing system to regulate the exportation of animals in the interests of their welfare.
4. Article 5 includes further detailed provisions as to the use of approved premises for the resting of animals. These mainly refer to the use of pens, enclosures and passageways on the premises; the feeding and milking of animals; the provision of artificial lighting and the separation of animals during the rest period.
5. Article 6 enables an inspector to require the isolation at the approved premises of animals which are ailing or which are causing or are likely to cause injury or unnecessary suffering to other animals.
6. Article 8 provides for the cleansing and disinfection of pens, etc., at the approved premises without the necessity of serving a notice in this regard in the first instance.

The Order also implements in part Council Directive 77/489/EEC (O.J. No. L200, 8.9.1977, p. 10) on the protection of animals during international transport and enables, so far as it concerns the export of farm animals from Great Britain, the implementation of Council Directive 81/389/EEC (O.J. No. L150, 6.6.1981, p. 1) which establishes measures necessary for the implementation of Council Directive 77/489/EEC. The relevant provisions are contained in Article 2(1): inclusion of goats in the definition of "animals"; Article 3: regulation of exportation of animals; Article 5(1)(m) and (o): milking of animals and approval of loading arrangements; Article 9(1): loading of animals in the presence of an official; Article 10(2): declaring animals which have given birth 48 hours before transportation as unfit for transportation; and Article 11: prohibition of the lifting of animals by the head, etc. The following provisions of the Order were also contained in the 1964 Order and are among the requirements of Council Directive 77/489/EEC—

1. Certificate of fitness which must accompany the animals when they are loaded for international transport (Article 9(1)(ii)).
2. Power to prohibit the transportation of animals which are unfit or which are likely to give birth during transport and the requirements as to the resting and treatment of these animals (Article 10(1)).

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