

1988 No. 815

ANIMALS

ANIMAL HEALTH

The Transit of Animals (Amendment) Order 1988

Made - - - - - *27th April 1988*

Coming into force - - - - - *18th May 1988*

The Minister of Agriculture, Fisheries and Food and 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, 8(1), 37(1) and (2), 38(1), 86(1) and 87(4) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Transit of Animals (Amendment) Order 1988 and shall come into force on 18th May 1988.

Amendment of the Transit of Animals (General) Order 1973

2. The Transit of Animals (General) Order 1973(b) shall be amended as follows:-

(a) in article 5 (protection of animals from injury and unnecessary suffering during loading, unloading and carriage)-

(i) for paragraph (3) there shall be substituted the following paragraph-

“(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 such animal is-

(a) protected from inadequately constructed or insecure fittings in that part of the vessel, aircraft or vehicle, or in the receptacle, in which the animal is being carried;

(b) not subjected to severe jolts or shaking;

(c) protected from the action of the weather and, if appropriate, the sea;

(d) provided with an adequate supply of fresh air (whether the vessel, aircraft or vehicle is stationary or in motion);

(e) protected from exposure to undue fluctuations in temperature, humidity or air pressure;

(f) protected from undue exposure to noise or vibration; and

(g) prevented from escaping from or falling out of the vessel, aircraft or vehicle.”,

(ii) for paragraph (4) there shall be substituted the following paragraph-

(a) 1981 c.22; section 86(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which this Order is made.

(b) S.I. 1973/1377.

“(4) The duty imposed on a person by paragraph (3) above shall extend to any period during which the animal in respect of which a duty has been imposed is waiting to be loaded into or unloaded out of a vessel, aircraft or vehicle.”, and

(iii) after paragraph (4) there shall be inserted the following paragraph—

“(4A) No person shall carry any deer with antlers in velvet by sea, air, road or rail, or cause or permit any such deer to be so carried, unless special precautions are taken to protect such deer from harm during their carriage.”;

(b) after article 5 there shall be inserted the following article—

“5A.—(1) No person shall carry any cold-blooded animals by sea, air, road or rail, or cause or permit any such animals to be so carried, unless they are carried—

(a) in such containers;

(b) under such conditions (with regard in particular to space, ventilation and temperature); and

(c) with such supplies of water and oxygen,

as are appropriate for their species.”;

(c) in article 6 (feeding, watering and general care of animals during carriage)—

(i) after sub-paragraph (d) of paragraph (1) there shall be added the following—

“ ; and

(e) such animals are carried to their destination as soon as possible and delays are minimised.”, and

(ii) after paragraph (2) there shall be inserted the following paragraphs—

“(3) It shall be the duty of the owner or charterer of a vessel and of the operator of an aircraft in which any horses, rabbits, dogs or cats are being carried by sea or air in the course of international transport, and of the carrier or other person in charge of any such animals being carried by road or rail in the course of international transport, to ensure that—

(a) in the case of horses, they are not left for more than 24 hours without being fed and watered save that such period may be extended if their international transport can be completed within a reasonable period;

(b) in the case of rabbits, suitable food and, if necessary, water, is available in adequate quantities, except where their international transport lasts for less than 12 hours; and

(c) in the case of dogs and cats—

(i) they are fed at intervals of not more than 24 hours,

(ii) they are given water at intervals of not more than 12 hours, and

(iii) clear written instructions are given to those persons responsible for feeding and watering them.

(4) The provisions of paragraph (3)(c) above shall not apply in the case of a dog or cat which is being accompanied by its owner or by a person representing its owner.

(5) In paragraph (3) above “international transport” means any movement of horses, rabbits, dogs or cats (as the case may be) which involves, or is intended to involve, the crossing of a frontier.”;

(d) for article 8 (carriage of animals in receptacles) there shall be substituted the following article—

“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 in it;

- (b) permits the animal contained in it to be inspected;
- (c) is escape-proof;
- (d) is easy to keep clean;
- (e) is maintained in a good state of repair;
- (f) is suitable for the species of animal to be carried in it;
- (g) is not overcrowded;
- (h) has securely attached to it a label or similar form of notice clearly indicating that the receptacle contains live animals and stating the species of those animals; and
- (i) bears a sign indicating its upright position.

(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 on a vessel, aircraft or vehicle to ensure that—

- (a) the receptacle is secured in such a manner as to prevent its displacement by the motion of the vessel, aircraft or vehicle;
- (b) the receptacle is placed in the vessel, aircraft or vehicle so as to permit—
 - (i) unimpeded access to it (except where it is carried in the hold of an aircraft), and
 - (ii) the animal contained in it to be provided with adequate ventilation;
- (c) the receptacle is kept in an upright position; and
- (d) if the receptacle is placed on top of another receptacle containing animals, precautions are taken to prevent excreta falling on to the animals below.”; and

(e) in article 9 (accommodation of animals during carriage) after paragraph (2) there shall be inserted the following paragraph—

“(3) It shall be the duty of the carrier or other person in charge of animals being carried on any vessel, aircraft or vehicle to ensure that—

- (a) any ropes or other attachments used for the tethering of animals during their carriage—
 - (i) will not break under normal conditions, and
 - (ii) are long enough to allow the animals, if necessary, to lie down and to eat and drink;
- (b) cattle are not tethered by the horns; and
- (c) the animals are not carried in proximity to any goods the presence of which is likely to prejudice their welfare”.

Amendment of the Transit of Animals (Road and Rail) Order 1975

3. The Transit of Animals (Road and Rail) Order 1975(a) shall be amended as follows:—

- (a) in article 4 (protection of animals during loading and unloading) after paragraph (7) there shall be inserted the following paragraph—

“(7A) Any receptacle containing animals shall be kept in an upright position while being loaded into or unloaded out of a vehicle.”;
- (b) in article 6 (protection of animals during carriage)—
 - (i) after paragraph (1) there shall be inserted the following paragraph—

“(1A) It shall be the duty of the carrier or other person in charge of an animal being carried in a vehicle or receptacle to ensure that it is carried to its destination as soon as possible and that delays are minimised.”,
 - (ii) for paragraph (2) there shall be substituted the following paragraph—

(a) S.I. 1975/1024, to which there is an amendment not relevant to this Order.

- “(2) Subject to paragraph (3) below, an animal shall only be carried in a vehicle or receptacle in such a way as will ensure that it is—
- (a) protected from the weather;
 - (b) not subjected to severe jolts or shaking;
 - (c) provided with an adequate supply of fresh air during its confinement in the vehicle or receptacle;
 - (d) prevented from escaping from or falling out of the vehicle or receptacle; and
 - (e) not caused injury or unnecessary suffering by reason of any cause whatsoever.”,
- (iii) after paragraph (2) there shall be inserted the following paragraph—
- “(2A) An animal shall not be carried in a compartment of a vehicle, or receptacle, in which any goods which are likely to prejudice its welfare have been loaded.”;
- (iv) in paragraph (3) after the words “Where sheep are carried” there shall be inserted the words “,otherwise than in the course of international transport,”, and
- (v) after paragraph (11) there shall be inserted the following paragraph—
- “(12) In paragraph (3) above “international transport” means any movement of sheep which involves, or is intended to involve, the crossing of a frontier.”;
- (c) in article 8 (requirements with regard to the accommodation of animals during carriage) for paragraph (7) there shall be substituted the following paragraph—
- “(7) Where a receptacle is being used for the carriage of animals it shall not be placed on top of another receptacle when being transported on a vehicle, and any such receptacle shall—
- (a) be secured when being transported so as to—
 - (i) prevent its displacement by the motion of the vehicle, or by the action of the weather,
 - (ii) provide adequate ventilation for the animals being carried in it,
 - (iii) provide unimpeded access to such animals, and
 - (iv) ensure that it remains in an upright position;
 - (b) have securely attached to it—
 - (i) a label or other form of notice indicating that the receptacle contains live animals and stating the species of those animals, and
 - (ii) a sign indicating the upright position of the receptacle; and
 - (c) be—
 - (i) soundly constructed,
 - (ii) escape-proof,
 - (iii) safe for the animals carried in it, and
 - (iv) easy to clean.”; and
- (d) after article 9 there shall be inserted the following article—
- “9A. It shall be the duty of the carrier or other person in charge of animals being carried by road or rail to ensure that—
- (a) any ropes or other attachments used for the tethering of animals during their carriage—
 - (i) will not break under normal conditions, and
 - (ii) are long enough to allow the animals, if necessary, to lie down and to eat and drink; and
 - (b) cattle are not tethered by the horns.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th April 1988.



John MacGregor
Minister of Agriculture, Fisheries and Food

26th April 1988

Sanderson of Bowden
Minister of State, Scottish Office

27th April 1988

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Transit of Animals (General) Order 1973 ("the 1973 Order") and the Transit of Animals (Road and Rail) Order 1975 ("the 1975 Order"), thereby implementing certain requirements of Council Directive 77/489/EEC (OJ No. L200, 8.8.77, p.10) on the protection of animals during international transport, in respect of which those Orders do not at present make specific provision.

The changes made to the 1973 Order are as follows:-

(1) the duty imposed by the 1973 Order on 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 animal is not, and will not be, caused injury or unnecessary suffering by reason of certain specified causes is replaced by a duty which is imposed on such a person to ensure that the animal is protected from certain specified matters (such as the action of the weather), is not subjected to any severe jolts or shaking, is provided with an adequate supply of fresh air and is prevented from escaping from or falling out of the vessel, aircraft or vehicle (article 2(a)(i) and (ii));

(2) a prohibition on the carriage of deer with antlers in velvet by sea, air, road or rail is included in the 1973 Order unless special precautions are taken to protect them from harm during carriage (article 2(a)(iii));

(3) a prohibition on the carriage of cold-blooded animals by sea, air, road or rail, unless they are carried in such containers, under such conditions and with such supplies of water and oxygen as are appropriate for their species is included in the 1973 Order (article 2(b));

(4) the duty imposed by the 1973 Order on the owner or charterer of a vessel and on the operator of an aircraft in which animals are being carried and on the carrier or other person in charge of animals being carried by road and rail in respect of the feeding, watering and general care of the animals during their carriage is extended so as to require such person to ensure that the animals are carried to their destination as soon as possible and that delays are minimised (article 2(c)(i));

(5) a duty is imposed on the owner or charterer of a vessel and on the operator of an aircraft in which any horses, rabbits, dogs or cats are being carried in the course of

international transport (being any movement which involves or is intended to involve the crossing of a frontier) and on the carrier or other person in charge of any such animals being carried by road or rail in the course of international transport to ensure that, subject to certain specified exceptions—

- (a) in the case of horses, they are not left for more than 24 hours without being fed and watered,
- (b) in the case of rabbits, suitable food and, if necessary, water is available in adequate quantities, and
- (c) in the case of dogs and cats, they are fed at intervals of not more than 24 hours and are given water at intervals of not more than 12 hours and clear written instructions are given to those persons responsible for feeding and watering them (article 2(c)(ii));

(6) the duty imposed by the 1973 Order on the consignor, carrier or other person for the time being in charge of an animal which is to be carried in a receptacle is extended so as to require such persons to ensure that the receptacle is escape-proof and easy to keep clean (article 2(d)); and

(7) the duty imposed by the 1973 Order on the carrier or other person in charge of an animal which is to be carried in a receptacle on a vessel, aircraft or vehicle is extended so as to require such persons to ensure that the receptacle is kept in an upright position and, if it is placed on top of another receptacle containing animals, to ensure that precautions are taken to prevent excreta falling on to the animals below (article 2(d)); and

(8) a duty is imposed on the carrier or other person in charge of animals being carried on any vessel, aircraft or vehicle to ensure that any ropes used for tethering the animals will not break under normal conditions and are long enough to allow the animals to lie down and eat and drink (if necessary), that any cattle are not tethered by the horns and that the animals are not carried in proximity to any goods the presence of which is likely to prejudice their welfare (article 2(e)).

The changes made to the 1975 Order are as follows:—

(1) the provisions of the 1975 Order relating to the protection of animals when being loaded into or unloaded out of a vehicle or receptacle are extended so as to include a requirement that any receptacle containing animals shall be kept in an upright position while being loaded into or unloaded out of a vehicle (article 3(a));

(2) a duty is imposed on the carrier or other person in charge of an animal being carried in a vehicle to ensure that it is carried to its destination as soon as possible and that delays are minimised (article 3(b)(i));

(3) the requirement in the 1975 Order that animals shall only be carried in a vehicle or receptacle in such a way as will ensure that they are not caused injury or unnecessary suffering by reason of certain specified causes is replaced by a provision prohibiting any animals being carried in a vehicle or receptacle unless they are carried in such a way as will ensure that certain specified requirements are satisfied, in particular that they are protected from the weather and are provided with an adequate supply of fresh air during their confinement in the vehicle or receptacle (article 3(b)(ii)); and the new requirement will not make it unlawful in certain cases for sheep which are carried in a vehicle (otherwise than in the course of international transport) to be carried without a protective covering, so long as they are not thereby caused injury or unnecessary suffering (article 3(b)(iv) and (v));

(4) a prohibition on an animal being carried in a compartment of a vehicle or receptacle in which any goods which are likely to prejudice its welfare have been loaded is included in the 1975 Order (article 3(b)(iii));

(5) provisions are included in the 1975 Order requiring any receptacle which is being used for the carriage of animals on a vehicle to be secured so as to ensure that it remains in the upright position and to be soundly constructed, escape-proof, easy to keep clean and safe for the animals carried in it (article 3(c)); and

(6) a duty is imposed on the carrier or other person in charge of animals being carried by road or rail to ensure that any ropes or other attachments used for tethering the animals during their carriage will not break under normal conditions and are long

enough to allow the animals, if necessary, to lie down and to eat and drink and that cattle are not tethered by the horns (article 3(d)).