
 STATUTORY INSTRUMENTS

1988 No. 851

ANIMALS

ANIMAL HEALTH

The Welfare of Poultry (Transport) Order 1988

Made - - - - - *6th May 1988*

Coming into force *30th May 1988*

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), 8(1), 37(1) and (2), 38(1), 72, 86(1) and 87(4) and (5)(a) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement and extent

1. This Order may be cited as the Welfare of Poultry (Transport) Order 1988, shall apply to Great Britain, and shall come into force on 30th May 1988.

Extension of definition of "poultry"

2. For the purposes of the Act in its application to this Order the definition of "poultry" in section 87(4) of the Act is hereby extended so as to comprise quails.

Interpretation

3.—(1) In this Order, unless the context otherwise requires—

"the Act" means the Animal Health Act 1981;

"airport" means any place in Great Britain at which poultry are loaded into or unloaded out of an aircraft or at which an aircraft lands while carrying poultry;

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

"commander" means the member of the flight crew designated as commander of an aircraft by the operator thereof, or, failing such designation, the person who is for the time being the pilot in command of the aircraft;

"chicks" means poultry aged 72 hours or less;

"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;

"journey" means a journey undertaken by any poultry in Great Britain or, where part of a journey is undertaken outside Great Britain, as much of the journey as is undertaken in Great Britain;

"master" includes any person having charge or command of a vessel, other than a pilot;

(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.

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

“port” means any place in Great Britain at which poultry are loaded into or unloaded out of a vessel or at which a vessel calls while carrying poultry;

“poultry” means live birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges and quails;

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

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

“vehicle” means—

(a) in relation to the carriage of poultry 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 the carriage of poultry by rail, rolling stock of any description;

“vessel” includes a hovercraft and any means by which poultry are transported by water;

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

(2) For the purposes of this Order, a journey undertaken by any poultry shall begin when a bird, or, where two or more birds are being transported together, the first of those birds, is loaded into a receptacle or vehicle (whichever is the earlier) and shall end when the bird or, as the case may be, the last bird, has been unloaded from the vehicle or receptacle (whichever is the later) at its final destination.

(3) Any reference in this Order to a numbered article or Schedule is a reference to the article or Schedule bearing that number in this Order.

Poultry transported on vessels or aircraft to be contained in receptacles

4.—(1) Subject to paragraph (2) below, no person shall transport poultry on any vessel or aircraft unless the poultry are contained in a receptacle.

(2) The prohibition in paragraph (1) above shall not apply where poultry are transported on a vehicle which itself is transported on a vessel.

Construction, fitting and maintenance of vessels, vehicles, receptacles, etc.

5.—(1) No person shall transport poultry on any vessel, aircraft or vehicle unless, in respect of that vessel, aircraft or vehicle (as the case may be) the following conditions are met—

(a) any sharp edge or protrusion with which the poultry may come into contact is adequately padded or fenced off;

(b) fixed or portable lighting is available to enable the poultry to be inspected;

(c) the vessel, aircraft or vehicle is equipped so that any receptacle on it containing poultry can be secured in a way which will prevent the receptacle from shifting as a result of the motion of the vessel, aircraft or vehicle;

(d) in the case of a vessel or aircraft carrying a vehicle containing poultry, the vessel or aircraft is equipped so that the vehicle can be secured in a way which will prevent it from shifting or overturning as a result of the motion of the vessel or aircraft; and

(e) where a vehicle is carried by a vessel or aircraft the vehicle is equipped so that it can be secured in a way which will prevent it from shifting or overturning as a result of the motion of the vessel or aircraft.

(2) No person shall use a receptacle for the transport of poultry on any vessel, aircraft or vehicle unless, in respect of that receptacle, the following conditions are met—

(a) it is of such a strength, size and design as to protect the poultry from injury or unnecessary suffering while contained in it or while being loaded into, transported in or unloaded from it;

- (b) it is constructed so that it permits adequate ventilation and air space to be available to the poultry contained in it;
- (c) it is constructed so that it—
 - (i) is easy to clean,
 - (ii) is escape proof, and
 - (iii) permits the poultry contained in it to be inspected;
- (d) it has no sharp edges or protrusions with which the poultry may come into contact;
- (e) it is labelled or marked—
 - (i) so as to indicate the upright position, and
 - (ii) with a statement or symbol to indicate that it contains live poultry;
- (f) it is constructed so that it can be effectively secured to the vessel, aircraft or vehicle or, if it is placed on or beneath another receptacle, to that receptacle which itself can be so secured;
- (g) it is constructed so that it prevents any protrusion of heads, legs or wings from it or through any partitions within it; and
- (h) it is at all times maintained in a good state of repair.

Protection of poultry during loading, unloading and transport

6.—(1) No person shall load poultry into or unload poultry from any vessel, aircraft, vehicle or receptacle or shall transport poultry on any vessel, aircraft or vehicle in a way which causes, or is likely to cause, the poultry injury or unnecessary suffering.

(2) Any person in charge of poultry in a receptacle which are waiting to be loaded into a vessel, aircraft or vehicle or waiting to be unloaded from that receptacle or from a vessel, aircraft or vehicle, shall ensure that the poultry are not caused any injury or unnecessary suffering.

(3) Without prejudice to the generality of paragraphs (1) and (2) above, it shall be the duty of any person in charge of any poultry during their journey to ensure that—

- (a) where necessary the poultry are sheltered from the action of the weather and, if appropriate, the sea;
- (b) the poultry are protected from exposure to undue fluctuations in temperature, humidity or air pressure;
- (c) the poultry are protected from undue exposure to noise or vibration;
- (d) the poultry have available to them an adequate supply of fresh air;
- (e) the poultry are not caused unnecessary suffering by a lack of food or water;
- (f) the poultry are not tied or bound by the neck, leg or wing;
- (g) the poultry are not lifted or carried by the head, neck, wing or tail;
- (h) the poultry are not carried in a sack or a bag;
- (i) the poultry are not overcrowded;
- (j) the poultry are inspected at appropriate intervals;
- (k) all necessary steps are taken to prevent poultry from being severely jolted or shaken;
- (l) all necessary steps are taken to prevent the poultry from escaping or falling from the vehicle or receptacle;
- (m) any receptacle is stowed in such a way as to allow adequate ventilation to the poultry;
- (n) any receptacle is kept upright;
- (o) where necessary for the protection of the poultry, any receptacle is kept effectively secured within the vessel, aircraft or vehicle or, if it is placed on or beneath another receptacle, to that receptacle which itself is so secured;
- (p) in that part of the vessel, aircraft or vehicle in which the poultry are being transported there are no substances of a solid, gaseous or liquid nature, goods, articles or equipment which may cause injury or unnecessary suffering to the poultry;
- (q) the poultry are transported in a vessel, aircraft, vehicle or receptacle which has been thoroughly cleaned; and
- (r) the poultry are transported to their destination as soon as possible and delays are minimised.

(4) In this article "person in charge" includes the owner, consignor, consignee and carrier.

Protection of poultry during international transport

7.—(1) It shall be the duty of any person in charge of any poultry which are being transported on a vessel, aircraft or vehicle in the course of international transport to ensure that—

- (a) suitable food and, if necessary, water is available in adequate quantities, except that this requirement shall not apply in respect of—
 - (i) poultry (whether adult or chicks) where their international transport lasts for less than 12 hours, or
 - (ii) chicks where their international transport lasts for more than 12 but less than 24 hours and is completed within 72 hours of their being hatched;
- (b) if one receptacle containing poultry is placed on another, precautions are taken to prevent excreta falling on to the poultry below; and
- (c) in the case of the transport of poultry on a vehicle, the vehicle is equipped with a roof which will ensure that the poultry are effectively protected against the weather.

(2) In this article—

- (a) "person in charge" includes the owner, consignor, consignee and carrier; and
- (b) "international transport" means any movement of poultry which involves, or is intended to involve, the crossing of a frontier.

Special provisions applicable to masters of vessels and commanders of aircraft

8.—(1) If, before a vessel leaves a port or an aircraft leaves an airport, the master of the vessel or the commander of the aircraft (as the case may be) has reason to believe that any poultry on the vessel or aircraft (as the case may be) are likely to be caused injury or unnecessary suffering in the course of transport as a result of anticipated weather conditions, he shall not transport the poultry.

(2) If, in the course of transport on a vessel or aircraft any poultry are caused injury the master of the vessel or the commander of the aircraft (as the case may be) shall, if there are reasonable grounds for supposing that the poultry cannot be kept alive and landed without being caused unnecessary suffering, cause the poultry to be slaughtered in a humane manner.

Separation of poultry during transport

9. No person shall transport poultry on any vessel, aircraft or vehicle unless during their journey—

- (a) the poultry are separated according to species and sex, except that—
 - (i) female poultry may travel with their broods,
 - (ii) male and female chicks may travel together, and
 - (iii) male and female poultry which are familiar with one another may travel together;
- (b) chicks are separated from all other poultry, except that they may travel with their mother; and
- (c) the poultry are not transported in proximity to any creature which is likely to be hostile to them or the presence of which is likely to cause them unnecessary suffering.

Unfit poultry

10. Subject to article 15, no person shall transport poultry which are unfit on any vessel, aircraft or vehicle if, by reason of their unfitness, the poultry are likely to be caused any unnecessary suffering.

Poultry not to be loaded with carcasses

11. No person shall load poultry and carcasses of poultry together in a vehicle or receptacle.

Removal of carcasses

12. Where any poultry die in the course of a journey while being transported in the same vessel, aircraft or vehicle as any other poultry, the person in charge of the dead poultry shall ensure that their carcasses are removed as soon as practicable having regard to the welfare of the live poultry.

Records in respect of poultry carried by road

13.—(1) Any person who is for the time being in charge of a vehicle used for the transport of poultry by road shall make a record of such transport in the form specified in Schedule 1 or in a form substantially to the like effect.

(2) That person shall ensure that—

- (a) each part of the record is completed in a permanent and legible form as soon as the information necessary to complete that part is available; and
- (b) while the vehicle is being used for the transport of poultry the record, or such part of the record as has for the time being been completed, is kept in the vehicle;

and he shall, on demand made by an inspector or by a constable at any reasonable time, produce such record or such part of the record as may for the time being have been completed and allow a copy thereof or an extract therefrom to be taken.

(3) Where, in the course of a journey, any poultry are transferred from one vehicle to another, the person having charge of the poultry before the transfer takes place shall supply to the person taking charge of the poultry after the transfer such information as may be necessary to enable him to complete the record required to be made in accordance with paragraphs (1) and (2) above.

(4) A person responsible for the management of a vehicle used for the transport of poultry by road shall ensure that every record which has been made in respect of any such transport in accordance with paragraphs (1) and (2) above is available at his office within 72 hours of the completion of the transport by the vehicle and is retained there for a period of 6 months from the date of such completion, and he shall, on demand made by an inspector at any reasonable time, produce such a record and allow a copy thereof or an extract therefrom to be taken.

Records in respect of poultry carried by rail

14.—(1) The owner or other person in charge of poultry transported by rail shall ensure that the receptacle containing the poultry bears a label containing the information specified in Schedule 2, such information being set out in a permanent and legible form.

(2) The British Railways Board or other railway company transporting poultry by rail shall—

- (a) make a record of the information contained on every label made for the purposes of paragraph (1) above;
- (b) keep such record at the railway station at which the poultry are unloaded and retain it there for a period of six months from the date of such unloading; and
- (c) produce such record to an inspector on demand being made by him at any reasonable time during that period and allow a copy thereof or an extract therefrom to be taken.

Powers of inspectors

15.—(1) If an inspector has reasonable grounds for supposing that any poultry loaded in or waiting to be loaded into, a vessel, aircraft, vehicle or receptacle are being caused injury or unnecessary suffering or are likely to be caused injury or unnecessary suffering if transported he may, by notice in writing served on the person in charge of the poultry or, in the case of a vessel, on the master of the vessel, or, in the case of an aircraft, on the commander of the aircraft—

- (a) in the case of poultry which have been loaded, require the poultry to be unloaded at such place, in such manner and within such time as may be specified in the notice; or
- (b) in the case of poultry waiting to be loaded, prohibit the loading of the poultry for an unlimited period or for such period as may be specified in the notice or permit the loading of the poultry subject to such conditions as may be specified in the notice.

(2) Where an inspector has reasonable grounds for supposing that any poultry loaded in a vessel, aircraft or vehicle are likely, by reason of being unfit, to be caused injury or unnecessary suffering if transported therein, he may, by notice in writing served on the person in charge of the poultry or on the carrier of the poultry or his agent, or, in the case of poultry on a vessel, on the master of a vessel or, in the case of poultry on an aircraft, on the commander of the aircraft, require the poultry to be unloaded forthwith from the vessel, aircraft or vehicle and removed to such place as may be specified in the notice and detained there pending their examination by a veterinary inspector.

(3) A person on whom a notice has been served under paragraph (2) above shall provide such reasonable assistance and comply with such requirements as necessary to enable a veterinary inspector to examine the poultry to which the notice relates after they have been detained.

(4) A notice served under paragraph (2) above may require the person on whom it is served to transport the poultry in a vessel, aircraft or vehicle to such place as may be specified in the notice prior to the poultry being unloaded and detained there.

(5) If, after examining any poultry in pursuance of paragraph (2) above, a veterinary inspector is satisfied that the poultry are likely, by reason of being unfit, to be caused unnecessary suffering if transported he may, by notice in writing served on the person on whom the notice under paragraph (2) was served—

- (a) prohibit the transport of the poultry for an unlimited period or for such period as may be specified in the notice; or
- (b) permit such transport subject to such conditions as may be specified in the notice.

Exemptions

16.—(1) Articles 5(2)(e) (labelling of receptacles), 13 and 14 (records in respect of poultry carried by road and rail) shall not apply—

- (a) to the transport of any consignment of less than 50 birds; or
- (b) to the transport of poultry within the boundaries of any farm, holding or agricultural premises by the owner or person in charge of the farm, holding or agricultural premises, his employees or by any other person authorised in that behalf by the owner or person in charge.

(2) Article 13 shall not apply to the transport of any poultry within the boundaries of a railway station, port or airport.

Expenses

17. The amount of any expenses reasonably incurred by an inspector in the exercise of any power conferred on him by article 15 shall be recoverable as a civil debt by the appropriate Minister or by the local authority (as the case may be) from the owner of the poultry in respect of which the power was exercised.

Action in default

18. If any person fails to do anything required to be done by him by or under any of the provisions of this Order, an officer of the appropriate Minister or an inspector of a local authority may, without prejudice to any proceedings for an offence arising out of such default, do or cause to be done the thing so required to be done, and the amount of any expenses reasonably incurred by an officer of the appropriate Minister or by an inspector of a local authority in doing so shall be recoverable as a civil debt by the appropriate Minister or by the local authority (as the case may be) from the person in default.

Enforcement

19. This Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Offences

20. Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) contravenes any provision of this Order or any provision of a notice served under it; or
- (b) fails to comply with any such provision or with any condition of any such notice; or
- (c) knowingly causes or permits any such contravention or non-compliance, commits an offence against the Act.

Amendment

21.—(1) In the Poultry (Exposure for Sale) Order of 1937(a), after article 1 there shall be inserted the following article—

“1A. It shall be the duty of a person in charge of any poultry which are exposed for sale or which are in a market or other place where poultry are habitually exposed for sale to ensure that—

- (a) the poultry are protected, as far as practicable, from exposure to bad weather or excessive heat;
- (b) the poultry are not tied by the legs;
- (c) the poultry are not carried head downwards; and
- (d) where the poultry are confined in a receptacle, that receptacle—
 - (i) is of such a strength, size and design as to protect the poultry from injury or unnecessary suffering, and
 - (ii) is constructed so that it permits adequate ventilation and airspace to be available to the poultry.”.

(2) In article 3(1) of the Transit of Animals (General) Order 1973(b) (interpretation), at the end of the definition of “poultry” there shall be added the following words—

“ , other than domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges and quails;”.

Revocation

22. The Conveyance of Live Poultry Order of 1919(c) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th May 1988.

(L.S.)

John MacGregor
Minister of Agriculture, Fisheries and Food

5th May 1988

Sanderson of Bowden
Minister of State, Scottish Office

6th May 1988

Peter Walker
Secretary of State for Wales

(a) S.R. & O. 1937/554.

(b) S.I. 1973/1377, to which there is an amendment not relevant to this Order.

(c) S.R. & O. 1919/933.

SCHEDULE 1

(Article 13)

RECORD – TRANSPORT OF LIVE POULTRY BY ROAD

SECTION 1

1. Name and address of haulier

Postcode Telephone No.

2. Vehicle Details

(a) Model Type Registration Number

(b) Name of driver

3. Collection Details

(a) Address from which poultry collected

(b) Poultry transported

Number	Age	Species

4. Delivery Details

Address to which poultry delivered

SECTION 2

1. Date and time am/pm loading into receptacle(s) commenced

2. Date and time am/pm poultry loaded on to the vehicle

3. Date and time am/pm unloading completed at the delivery address

Signed

Name in BLOCK LETTERS

Date

NOTES

1. Entries are to be made as soon as the information is available and, during transport, the form is to be kept in the vehicle and produced to an inspector or constable at any reasonable time.
2. Within 72 hours of the completion of the transport, this form (or a copy of it) is to be:
 - available for inspection at the office of the person who manages the vehicle to which it relates;
 - kept at this office for 6 months;
 - produced on request to an inspector at any reasonable time during the 6 month period.

SCHEDULE 2

(Article 14)

**RECORDS IN RESPECT OF POULTRY CARRIED BY RAIL
INFORMATION TO BE CONTAINED ON THE LABEL ATTACHED TO
THE RECEPTACLE**

The owner or other person in charge of poultry transported by rail shall ensure that the receptacle containing the poultry bears a label containing the following information:-

- (1) the number, age and species of poultry,
- (2) the name and address of consignor,
- (3) the name and address of consignee,
- (4) the station, date and time of loading on to the train, and
- (5) the station, date and time of unloading from the train.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies throughout Great Britain, contains provisions relating to the welfare of poultry during their transport by road, rail, air and water which replace (1) provisions contained in the Conveyance of Live Poultry Order of 1919 which are revoked and (2) provisions contained in the Transit of Animals Order 1973, as amended, which are disapplied by this Order. The Order also implements the provisions of Council Directive 77/489/EEC (OJ No. L200, 8.8.77, p.10) on the protection of animals during international transport which relate to the transport of poultry in respect of which those Orders do not at present make specific provision.

The main provisions of the Order are as follows:-

- (a) the transport of poultry on a vessel or aircraft is prohibited unless the poultry are contained in a receptacle (except where poultry are transported on a vehicle which is itself transported on a vessel) (article 4);
- (b) requirements are contained in the Order relating to the construction and maintenance of vessels, aircraft and vehicles on which poultry are transported and of receptacles used for the transport of poultry on vessels (article 5);
- (c) the loading of poultry into, and the unloading of poultry from, a vessel, aircraft or vehicle and the transport of poultry on a vessel, aircraft or vehicle in a way which causes, or is likely to cause, the poultry injury or unnecessary suffering is prohibited and a duty is imposed on a person in charge of poultry to ensure that, during their journey, certain requirements are complied with, for example that the poultry are sheltered from the weather, have an adequate supply of fresh air and are not overcrowded (article 6);
- (d) a duty is imposed on any person in charge of any poultry which are being transported on a vessel, aircraft or vehicle in the course of international transport (being any movement which involves or is intended to involve the crossing of a frontier) to ensure that certain requirements are complied with, for example that suitable food and, if necessary, water is available in adequate quantities and that where a vehicle is used for transporting the poultry it is equipped with a roof which will ensure that the poultry are effectively protected against the weather (article 7);
- (e) poultry are required to be separated during transport according to species and sex (subject to certain exceptions) (article 9);
- (f) a person who is for the time being in charge of a vehicle used for the transport of poultry by road is required to make a record of such transport and to ensure that, while the vehicle is being used for the transport of poultry, the record is kept in the vehicle (article 13); and the owner or other person in charge of any poultry transported by rail is required to ensure that the receptacle containing the poultry bears a label containing specified information (article 14);

- (g) an inspector of the Minister of Agriculture, Fisheries and Food or of the local authority is empowered to require (by notice) any poultry to be unloaded from a vessel, aircraft, vehicle or receptacle or, in the case of poultry waiting to be loaded into a vessel, aircraft, vehicle or receptacle, to prohibit them from being so loaded and an inspector is also empowered, to require (by notice) any poultry to be unloaded from a vessel, aircraft or vehicle and removed to a specified place and detained there pending examination by a veterinary inspector (article 15);
- (h) an exemption from the provisions of article 5(2)(e) (labelling of receptacles) and of articles 13 and 14 (records in respect of poultry carried by road and rail) is provided in the case of the transport of any consignment of less than 50 birds and the transport of poultry within the boundaries of a farm (article 16(1));
- (i) the provisions of the Transit of Animals (General) Order 1973, as amended, are disapplied in relation to poultry, that is to say domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges and quails (article 21(2)); and
- (j) as a consequence of the revocation of the Conveyance of Live Poultry Order of 1919 (article 22) the Poultry (Exposure for Sale) Order of 1937 is amended so as to protect poultry during their exposure for sale (article 21(1)).

£2.40 net

Reprinted 1993

Printed in the United Kingdom for HMSO

845 WO 0543 C2 3/93 51.0.0 56219 ON 236113

ISBN 0-11-086851-X



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