
STATUTORY INSTRUMENTS

1992 No. 3304

ANIMALS

ANIMALS HEALTH

The Welfare of Animals during Transport Order 1992

Made - - - - *29th December 1992*

Coming into force - - *1st January 1993*

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, 8(1), 37, 38 and 87(2), (3) and (5)(a) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:—

Title, commencement, extension of definitions and interpretation

1.—(1) This Order may be cited as the Welfare of Animals during Transport Order 1992 and shall come into force on 1st January 1993.

(2) For the purposes of the Act in its application to this Order—

(a) the definition of animals in section 87(1) of the Act shall be extended to comprise

- (i) any kind of mammal except man,
- (ii) any kind of four footed beast which is not a mammal,
- (iii) any fish, reptiles, crustaceans, and
- (iv) any other cold blooded creatures of any species; and

(b) the definition of poultry in section 87(4) of the Act shall be extended to comprise all species of bird.

(3) In this Order—

“the Act” means the Animal Health Act 1981;

“animal” includes any animal and any bird.

(4) In this Order, except where the context otherwise requires, distances shall be calculated from the start of the transport of the animals to the place of destination and the calculation of journey times shall include the time taken in loading and unloading the animals.

(1) 1981 c. 22. See section 86(1)(c) for a definition of “the Ministers”.

(5) A notice served under this Order shall be in writing and may be subject to conditions and may be amended, suspended or revoked in writing at any time.

Exemption

2. This Order shall not apply to the transport of pet animals unless in the course of a trade or business.

General provisions on protection of animals

3.—(1) No person shall cause or permit an animal to be transported in a way which causes or is likely to cause injury or unnecessary suffering to the animal.

(2) No person shall cause or permit the transport of an animal that is unfit by reason of it being in the state of being newborn, diseased, infirm, ill, injured or fatigued or having given birth within the preceding 48 hours or likely to give birth during transport or for any other reason.

(3) Notwithstanding the provisions of paragraph (2) above, a bovine, ovine, caprine, porcine or equine animal may be transported to the nearest place for veterinary treatment or to the nearest available place of slaughter if the animal is not likely to be subject to unnecessary suffering by reason of its unfitness, but such an animal may not be dragged or pushed by any means, or lifted by a mechanical device, unless this is done in the presence of and under the supervision of a veterinary surgeon who is arranging for it to be transported with all practicable speed to a place for veterinary treatment.

(4) Notwithstanding the provisions of paragraph (2) above, an animal may be transported for scientific research purposes by or on behalf of the holder of a licence granted under the Animals (Scientific Procedures) Act 1986(2).

(5) No person shall cause or permit a cervine animal in velvet to be transported unless the journey is of 50 km or less and special precautions are taken to protect it from injury and unnecessary suffering.

Feeding and watering intervals

4.—(1) Subject to paragraphs (2), (3) and (4) below, it shall be the duty of any person in charge of an animal which is being transported on a vessel, aircraft, railway or vehicle to ensure that—

- (a) as suitable to its species, it has been provided with water and appropriate food before the start of any journey, and
- (b) at suitable intervals during the journey, it is provided with water, food and rest.

(2) In respect of bovine, ovine, caprine, porcine and equine animals the interval between the occasions when rest, food and water are provided in accordance with paragraph (1)(b) above shall not exceed 15 hours.

(3) In respect of domestic dogs and cats—

- (a) the interval between the occasions when food is provided in accordance with paragraph (1)(b) above shall not exceed 24 hours and the interval between the occasions when water is so provided shall not exceed 12 hours, and
- (b) clear, written instructions must be given to the persons responsible for feeding and watering them.

(4) The provisions of paragraph (1) above shall not apply in the cases of

- (a) poultry and rabbits if their transport is completed within 12 hours (disregarding the time taken in loading and unloading), and
- (b) poultry chicks, if their transport is completed within 72 hours of their being hatched and lasts less than 24 hours.

In this paragraph and in article 6(2)(b) “poultry” means live birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges and quails.

Persons having control of animal transport undertakings

5. Subject to article 6 below, every person having control of any animal transport undertaking which transports animals in the course of business or trade shall—

- (a) ensure that the animals are entrusted only to persons possessing the knowledge necessary to administer appropriate care to the animals in transport;
- (b) ensure, in the case of animals travelling unaccompanied, that the consignee is prepared to receive them;
- (c) ensure that the animals are transported without delay to their place of destination;
- (d) ensure that during the journey the consignment is accompanied by a certificate signed by him or on his behalf stating:
 - (i) the origin and ownership of the animals,
 - (ii) their place of departure and place of destination, and
 - (iii) the date and time of departure;
- (e) draw up for journeys exceeding 24 hours a journey plan showing—
 - (i) the arrangements for the animals to be rested, fed and watered, and (if necessary) unloaded and given accommodation appropriate to their species;
 - (ii) the arrangements for feeding and watering in the event that the planned journey is changed or disrupted,and ensure that during the journey the consignment is accompanied by the journey plan; and
- (f) ensure that copies of the journey plan and the certificate required by this article are kept for a period of six months from the end of the journey and produce them at the request of an inspector.

Exceptions

6.—(1) Where animals of the bovine, ovine, caprine or porcine species or domestic equines are transported—

- (a) for a distance of 50 km or less, to, from or within land used for agricultural purposes,
- (b) in a vehicle owned by the owner or occupier of that land, and
- (c) the vehicle has a compartment for the animals not more than 3.1 metres long,

then the following provisions shall not apply

- (i) article 8(5) of the Transit of Animals (Road and Rail) Order 1975⁽³⁾ (the requirement to protect the animals from the motion of the means of transport); and
- (ii) paragraphs 3 (provision of barriers or straps), 6 (internal ramps and lifting gear) and 11 (protective cover) (so far as the last requires the vehicle to be equipped with suitable overhead protection) of Schedule 1 to the Transit of Animals (Road and Rail) Order 1975;

(3) [S.I. 1975/1074](#). Relevant amending instruments are [S.I. 1979/1013](#) and [S.I. 1988/815](#).

(iii) article 5(d), (e) and (f) of this Order.

(2) Article 5(d), (e) and (f) of this Order shall not apply to transport of

(a) equine animals kept for private recreation or private sporting purposes; and

(b) poultry which are transported for a distance of 50 km or less where

(i) the number of poultry so transported is less than 50, or

(ii) the journey is within the land occupied by the owner of the poultry.

(3) Articles 5(d), (e) and (f) of this Order shall not apply to the transport for a distance of 50 km or less of any animal not referred to in paragraphs (1) and (2) above.

IATA Standards and CITES Guidelines

7.—(1) No person shall transport an animal by air except in compliance with the standards set by the International Air Transport Association.

(2) No person shall transport an animal to which the Convention on International Trade in Endangered Species refers except in compliance with the CITES guidelines for transport and preparation for shipment of live wild animals.

Other provisions additional to existing welfare legislation

8. In addition to the provisions of Orders made under section 37, 38 or 39 of the Act, it shall be an offence for any person to cause or permit animals to be transported for more than 50 km except in accordance with the provisions of Schedule 1 to this Order.

Third countries

9. No person shall import any animal from outside the European Community into Great Britain, either for importation into Great Britain or transit through Great Britain, unless he has given a written undertaking to comply with the requirements of Council Directive [91/628/EEC](#) on the protection of animals during transport⁽⁴⁾ and has made arrangements to comply with them.

Enforcement

10.—(1) This Order shall be executed and enforced by the local authority.

(2) The appropriate Minister may direct, in relation to cases of a particular description or a particular case, that this Order shall be executed and enforced by him and not by the local authority.

Powers of an inspector before transport begins

11.—(1) Where an inspector considers that an animal intended to be transported is not fit for the intended journey, either because such transport would contravene article 3 of this Order or for any other reason, he may mark or otherwise identify the animal and may by notice served on the person appearing to him to be in charge of the animal—

(a) prohibit that transport of the animal, either indefinitely or for a period specified in the notice, or

(b) subject to article 3 above, specify conditions under which the animal may be transported.

(2) Where an inspector considers that any person who transports animals in the course of business or trade is about to transport any animal, or cause any animal to be transported, in a way which may cause it injury or unnecessary suffering, or in any way which does not comply with the provisions

(4) OJ No. L340, 11.12.89, p. 21.

of this Order or any other Order made under section 37, 38 or 39 of the Act, he may by notice served on the person in charge of the animal—

- (a) prohibit such transport, either indefinitely or for the period specified in the notice, or
- (b) specify conditions under which the animal may be transported.

(3) It shall be an offence under section 72 of the Act for any person to remove or deface any mark or other identification applied by an inspector under paragraph (1) above.

Powers of inspectors in the course of transport

12.—(1) If it is found in the course of transport that the provisions of this Order or any other Order made under section 37, 38 or 39 of the Act are not being or have not been complied with, an inspector may by notice in writing served on the person in charge of the animals require that person to take any action which the inspector considers necessary in order to safeguard the welfare of the animals concerned.

(2) Without prejudice to the generality of paragraph (1) above, an inspector may in particular—

- (a) require the journey to be completed or the animals to be returned to their place of departure by the most direct route, provided that this course of action would not cause unnecessary suffering to the animals;
- (b) require the animals to be held in suitable accommodation with appropriate care until the problem is solved;
- (c) require the humane slaughter of the animals.

(3) If any person in charge of the animals fails to comply with the requirements of the notice, the inspector shall have powers to carry out such measures himself, or cause them to be carried out, and the costs of such measures shall be recoverable from the person in charge of the transport undertaking on demand by the local authority or the appropriate Minister as the case may be.

Revocation and disapplication

13.—(1) The provisions in Schedule 2 to this Order are hereby revoked to the extent specified in that Schedule.

(2) The Export of Animals (Protection) Order 1981((5)) shall not apply to the export of animals to another member State of the European Economic Community.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is affixed on 22nd December 1992.

(L.S.)

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Scottish Office
23rd December 1992

Hector Monro
Parliamentary Under-Secretary of State,

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29th December 1992

David Hunt
Secretary of State for Wales

SCHEDULE 1

Article 8

PROVISIONS ADDITIONAL TO OTHER WELFARE LEGISLATION

General General provisions applicable to all animals

1. Animals in transport shall be provided with sufficient room to lie down, unless that would lead to a risk of injury or harm.
2. Solipeds shall wear halters, except in the case of unbroken foals or animals transported in individual boxes.
3. Tethers shall be of a kind such as to eliminate any danger of strangulation or injury.
4. Animals shall not be tied by a nose ring.
5. Solipeds shall not be transported in vehicles with more than one deck.
6. Animals of different species shall be segregated in transport, except where that would cause distress in a companion animal.
7. Stallions shall not be transported in the same vehicle or vessel or aircraft as other stallions unless they are used to each other.
8. Animals shall not be suspended by mechanical means, nor lifted nor dragged by the head, horns, legs, tail or fleece.
9. The use of electric prods shall be avoided as far as possible.
10. The floor of the means of transport shall be covered with sufficient litter to absorb droppings unless droppings are regularly removed.
11. Consignments of livestock shall be accompanied by an attendant except—
 - (a) where animals are transported in containers which are secured, adequately ventilated and, where necessary, contain enough food and water in dispensers which cannot be tipped over, for a journey of twice the anticipated time; or
 - (b) where the consignor has appointed an agent to care for the animals at appropriate staging points.
12. Animals in milk shall, where necessary, be milked and in the case of cows they shall be milked at intervals of about 12 hours and not more than 15 hours.
13. Animals shall be loaded only into means of transport which have been thoroughly cleaned and, where appropriate, disinfected. Dead animals, litter and droppings shall be removed as soon as possible.
14. Animals travelling by rail shall be transported in covered trucks fitted with rings or bars, at a suitable height, to which the animals may be attached if necessary.
15. Solipeds travelling by rail shall be secured in such a way that they are all facing the same way, except when travelling in individual boxes.
16. Road vehicles in which animals are transported shall be equipped with weather proof roofs.
17. Animals transported by sea shall be tethered or suitably accommodated in pens or containers.
18. Where animals are transported by sea, there shall be provision for isolation of ill or injured animals during the voyage and for first aid treatment to be given.
19. Where animals are transported in road vehicles on board ship—
 - (a) the animals' compartment shall be properly fixed to the vehicle; the vehicle and the animals' compartment shall be equipped with adequate tying facilities enabling them to be

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secured fast to the ship. On a covered deck of a roll-on/roll-off vessel, sufficient ventilation for the number of vehicles transported must be maintained. Where possible, a vehicle for the transport of animals should be placed near a fresh air inlet;

- (b) the animals' compartment shall have a sufficient number of vents or other means of ensuring that it is adequately ventilated bearing in mind that the air flow is restricted in the confined space of the ship's vehicle hold. There must be sufficient room inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals where they are in a naturally standing position;
- (c) direct access must be provided to each part of the animals' compartment so that the animals can, if necessary, be cared for, fed and watered during the voyage.

20. In the case of animals transported by air, every freight aircraft must carry an appropriate instrument for humane slaughter.

Poultry and rabbits

21. In the case of poultry (as defined in article 4(4)) and rabbits, their accommodation shall be drained and kept in a sanitary condition.

Domestic dogs and domestic cats

22. In the case of domestic dogs and domestic cats

- (a) when transported by sea, animals shall be provided with accommodation which has drainage and is kept in a sanitary condition;
- (b) in any form of transport, females in oestrus shall be separated from males.

Other animals

23. In the case of animals other than domestic solipeds, bovines, ovines, caprines, porcines, poultry (as defined in article 4(4)), rabbits, dogs and cats—

- (a) when transported by road, tying facilities shall be provided in vehicles which are used in the transport of such animals which are normally required to be tied. Partitions, if supplied, shall be of rigid construction;
- (b) suitable equipment for loading and unloading of such mammals and birds (such as bridges, ramps or gangways) shall be used. The flooring of this equipment shall be constructed so as to prevent slipping and the equipment shall be provided with lateral protection if necessary. During transport the animal shall not be suspended by mechanical means nor lifted or dragged by the head, horns, legs, tail, wing or feathers;
- (c) when transported by sea, all parts of the animal's accommodation shall be provided with drainage and shall be kept in a sanitary condition;
- (d) infants incapable of feeding themselves and which are not accompanied by the mother shall not be transported;
- (e) sedation shall be administered only exceptionally and under the direct supervision of a veterinary surgeon. Written details of such sedation shall accompany the animal to its destination;
- (f) where the means of transport or container contains animals which are wild, timid or dangerous, a notice to that effect shall be fixed to it;
- (g) written instructions as to feeding and watering and any special care required shall accompany the animals;
- (h) such animals shall be held for an appropriate period prior to transport to condition them to the experience. During that period they shall, if necessary, be moved gradually into their container;

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- (i) birds shall be kept in semi-darkness;
- (j) animals of different species shall not be placed in the same container;
- (k) animals of the same species shall not be placed in the same container unless they are known to be compatible with each other;
- (l) marine mammals shall have a qualified attendant with them at all times;
- (m) the containers within which marine mammals are transported shall not be stacked;
- (n) such mammals and birds shall not be housed near foodstuffs nor in places to which the general public has access.

SCHEDULE 2

Article 13(1)

REVOCATIONS

<i>Summary Instruments</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Transit of Animals Order of 1927	S.R. & O. 1927/289	Article 3 (xv)
The Animals (Sea Transport) Order of 1930	S.R. & O. 1930/923	Article 2(xv)
The Horse (Sea Transport) Order 1952	S.I. 1952/1291	Article 4(16)
The Transit of Animals (General) Order 1973 as amended by the Transit of Animals (Amendment) Order 1988	S.I. 1973/1377 (S.I.1988/815)	Articles 5, 6(3), (4), (5), 7, 9(2)
The Transit of Animals (Road and Rail) Order 1975 as amended by the Transit of Animals (Amendment) Order 1988	IS.I. 975/1024 (S.I. 1988/815)	Articles 6(3), (12), 10, 11, 12, 17, 19 and paragraphs 2(1) and (4) of Schedule 1
The Welfare of Poultry (Transport) Order 1988	S.I. 1988/851	Articles 7, 13, 14 and 16(1)(a)

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order, taken with other welfare legislation, implements Council Directive [91/628/EEC](#) on the protection of animals during transport (OJ No. L340, 11.12.91, p. 17). The other legislation referred to is as follows—The Transit of Animals Order 1927

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- The Animals (Sea Transport) Order 1930
- The Horses (Sea Transport) Order 1952
- The Transit of Animals (General) Order 1973
- The Transit of Animals (Road and Rail) Order 1975
- The Importation of Animals Order 1977
- The Welfare of Poultry (Transport) Order 1988.

The Order makes general provision for the welfare of animals in transport (article 3). It sets out feeding and watering intervals for animals in transport (article 4) and requires persons who transport animals in the course of business to ensure that animals are entrusted to people possessing the appropriate knowledge, to draw up journey plans and to keep records (article 5).

There are exceptions in relation to pets, farm animals and animals kept for sporting purposes (articles 2 and 6). There are special provisions in relation to deer in velvet (article 3(4)).

The Order refers to the guidelines issued by the International Air Transport Association (“IATA”) and under the Convention on International Trade in Endangered Species (“CITES”) (article 7). Copies of the relevant documents can be obtained from—

IATA	<p>Tabmag Publishing Ltd Grove House 31–37 Church Road Ashford Middlesex TW15 2UE</p> <p>Freight Merchandising Services c/o Vidap Freight Services Green Lane Hounslow Middlesex TW4 6DD</p> <p>Label Line Hollyhouse 14 Tenby Road Frimley Surrey GU16 5UT</p>
CITES	<p>Department of the Environment Tollgate House Houlton Street Bristol BS2 9DJ.</p>

It prohibits importation of animals from third countries except under the conditions required by Directive 91/628/EEC (article 9).

The Order is enforced by the local authorities (article 10).

Inspectors are given power to stop a journey where the animals' welfare requires it (articles 11 and 12).

Contravention of the provisions of the Order constitutes an offence under section 73 of the Animal Health Act 1981 and may be punished under section 75 of the Act.