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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1047**

**The Welfare of Animals (Transport) (Wales) Order 2007**

**PART 5**

Miscellaneous

**Powers of inspectors**

**24.**—(1) If an inspector considers animals are being transported, or are to be transported, in a way which—

- (a) contravenes any provision of this Order; or
- (b) constitutes an offence against the Act by virtue of this Order,

he or she may serve a notice on the person appearing to him or her to be in charge of the animals requiring that person to take any action necessary to ensure compliance with this Order, giving reasons for the requirements.

(2) An inspector may in particular—

- (a) prohibit the transport of the animals, either indefinitely or for a period specified in the notice;
- (b) specify conditions under which the animals may be transported;
- (c) 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;
- (d) require animals not fit to complete their journey to be unloaded, watered, fed or rested;
- (e) require the animals to be held in suitable accommodation with appropriate care until the problem identified in the notice is solved;
- (f) require the humane slaughter or killing of the animals; or
- (g) require a means of transport or container to be repaired or replaced before it is used to transport animals.

(3) Where it is necessary for identification purposes, an inspector may mark an animal.

[<sup>F1</sup>(4) An inspector may take copies of any document—

- (a) inspected for the purpose of ascertaining whether the provisions of this Order, Council Regulation (EC) No 1/2005, Council Regulation (EC) No 1255/97 or Regulation (EU) 2017/625 have been complied with;
- (b) inspected in the course of performing official controls under Regulation (EU) 2017/625.]

(5) An inspector may serve on the owner, or any person appearing to him or her to be in charge of a control post, a notice requiring him or her to take any action the inspector reasonably considers necessary to ensure compliance with, or remedy any infringement of, Council Regulation (EC) No 1255/97.

(6) In particular, an inspector may—

- (a) require one or more animals at a control post to be removed from the control post;
- (b) specify conditions under which animals may remain there.

(7) In deciding whether to serve a notice under this article, an inspector may take into account any previous failure to comply with any provision of this Order, any other Order made under sections 37, 38 or 39 of the Act or [<sup>F2</sup>paragraph 13(b)] of Annex II to Council Regulation (EC) No 1/2005 (return of documents after completion of journey).

(8) Where a person fails to comply with the requirements of a notice served under this article, an inspector may take any steps he or she considers necessary to ensure the requirement is met.

(9) The person in default must reimburse any reasonable expenses incurred by the [<sup>F3</sup>Welsh Ministers] or the local authority in taking such steps and any such debt is recoverable summarily.

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#### Textual Amendments

- F1** Art. 24(4) substituted (6.4.2023) by *The Welfare of Animals (Transport) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/261)*, regs. 1(2)(c), **4(3)(a)**
- F2** Words in art. 24(7) substituted (6.4.2023) by *The Welfare of Animals (Transport) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/261)*, regs. 1(2)(c), **4(3)(b)**
- F3** Words in art. 24(9) substituted (31.12.2020) by *The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684)*, regs. 1(2), **3(6)**; 2020 c. 1, Sch. 5 para. 1(1)

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#### Commencement Information

- I1** Art. 24 in force at 30.3.2007, see **art. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the The Welfare of Animals (Transport) (Wales) Order 2007, Section 24.