1989 No. 166

ANIMALS

Transit of Animals (Road and Rail) Order (Northern Ireland) 1989

Made	*3rd May 1989*
Coming into operation . .	*24th May 1989*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 19, 20(1), 21, 44 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Transit of Animals (Road and Rail) Order (Northern Ireland) 1989 and shall come into operation on 24th May 1989.

Interpretation

2. In this Order—

"accessory" means any detachable partition or barrier, loading board, rope, net or other apparatus or thing used in connection with the carriage of animals in a vehicle or receptacle;

"animals" means horses, cattle, sheep, goats and swine;

"approved disinfectant" means a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**b**);

"calves" means cattle under the age of 6 months;

"journey" means the complete journey by road or rail which is undertaken by an animal in Northern Ireland or, where part of a journey is undertaken outside Northern Ireland, so much of that journey as is undertaken in Northern Ireland, whether the animal is in the course of that journey carried in one or more than one vehicle or receptacle and includes:

(*a*) any period during which the vehicle or receptacle which contains the animal is not in motion; and

(*b*) any period during which the animal is unloaded from a vehicle or receptacle for the purposes of the resting, feeding or watering of the animal, its transfer to another vehicle or receptacle or any other purpose;

(a) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to the subject matter of this Order

(b) S.R. & O. (N.I.) 1972 No. 16

"market" includes a market place, fairground, highway, saleyard, place of exhibition or other premises or place in or upon which a market, fair or sale of animals is held, together with any lair, yard, shed, stable or other place used for animals adjoining or used in connection with a market;

"pen" when used in connection with a vehicle or receptacle means any division or sub-division of that part of the vehicle or receptacle which is used for the carriage of animals;

"ramp" includes a door which can be lowered for the loading of a vehicle or receptacle;

"receptacle" means a crate, box or other rigid container used for the carriage of animals by road or rail which is not self-propelled and which does not form part of a vehicle;

"unfit" includes infirm, diseased, ill, injured or fatigued; and

"vehicle" means—

(*a*) in relation to the 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 the carriage of animals by rail, rolling stock of any description.

Use, construction and maintenance of vehicles and receptacles

3.—(1) Subject to the provisions of this Order, a person shall not use a vehicle—

(*a*) for the carriage of an animal by road, unless it is constructed and maintained in accordance with Part I of Schedule 1; or

(*b*) for the carriage of an animal by rail, unless it is constructed and maintained in accordance with Part II of Schedule 1.

(2) Subject to the provisions of this Order, a person shall not use a receptacle for the carriage of an animal by road or rail unless it is constructed and maintained in accordance with Part III of Schedule 1.

Loading and unloading of animals

4.—(1) A person shall not load or unload an animal or cause or permit an animal to be loaded or unloaded into or out of a vehicle or receptacle, otherwise than in accordance with the provisions of this Article.

(2) The loading or unloading of an animal into or out of a vehicle or receptacle shall be effected in such a way as will ensure that no injury or unnecessary suffering is caused to the animal—

(*a*) by the use of any instrument or other thing used for driving the animal; or

(*b*) by the animal coming into contact with any part of the vehicle or receptacle or any fitting belonging thereto or any accessory carried therein or any other obstruction.

(3) Subject to the provisions of paragraph (5), an animal shall not be loaded into or unloaded out of a vehicle or receptacle otherwise than by means of—

(*a*) a ramp which is carried on the vehicle or on the vehicle on which the receptacle is to be or has been transported, and is constructed and maintained in accordance with the provisions of—

(i) in the case of a road vehicle, paragraph 5 of Part I of Schedule 1, or

(ii) in the case of a rail vehicle, paragraph 16 of Part II of Schedule 1;

(*b*) a ramp which is not carried on the said vehicle but which is of a height and design which is suitable for the purpose of loading or unloading the animal;

(*c*) a loading bank which is of a height suitable for the purpose of loading or unloading the animal;

(*d*) suitable mechanical lifting gear, whether or not that lifting gear forms part of a vehicle; or

(*e*) manual lifting or carrying.

(4) When a vehicle is carrying an animal which has been loaded into it by any of the means set out in paragraph (3)(*b*) to (*d*) or is transporting a receptacle containing an animal which has been loaded therein by any of those means, that vehicle shall at all times carry a ramp which can in case of emergency be used for unloading the animal and which is of a height and design suitable for that purpose.

(5) The provisions of paragraph (3) shall not apply to the loading or unloading of an animal from a vehicle or receptacle, the floor of which, at the time of the loading or unloading, is not more than 31 cm above the level of the ground.

(6) Subject to the provisions of paragraph (7), where an animal is loaded into or unloaded out of a vehicle or receptacle by means of a ramp, the ramp shall be—

(*a*) provided on each side with protection (hereinafter called "the side protection") which extends to a height of not less than 1.3 m above the ramp and is—

(i) of a strength and length sufficient to prevent an animal which uses the ramp from falling; and

(ii) fitted in position so as to ensure that any gap between the bottom of the side protection and the surface of the ramp will not permit damage or injury to the limbs of that animal; and

(*b*) secured in position so as to ensure that any gap between the side protection and the vehicle or receptacle will not result in injury or unnecessary suffering to an animal using the ramp.

(7) The provisions of paragraph (6)(*a*) shall not apply where a horse is loaded into or unloaded out of a vehicle by means of a ramp, if—

(*a*) the vehicle has been specifically constructed for the carriage of horses; and

(*b*) loading and unloading is effected only by the leading of horses into and out of that vehicle.

(8) Any receptacle containing animals shall be kept in an upright position while being loaded into or unloaded out of a vehicle.

Movement of animals within a vehicle or receptacle

5.—(1) A person shall not move an animal, or cause or permit an animal to be moved from one floor of a vehicle or receptacle to another floor of that vehicle or receptacle otherwise than by means of—

(*a*) mechanical lifting gear which is suitable for that purpose whether or not that lifting gear forms part of the vehicle;

(*b*) manual lifting or carrying; or

(*c*) in the case of a vehicle used for the carriage of animals by road a ramp which is constructed and maintained in accordance with the provisions of paragraph 6 of Part I of Schedule 1.

(2) The surface of every passageway which is within a vehicle or receptacle and is used in connection with the loading of animals into, the unloading of animals out of, or the movement of animals within that vehicle or receptacle shall be constructed, treated and maintained so as to prevent, so far as is practicable, any animal which uses that passageway from slipping.

Protection of animals during carriage

6.—(1) A person shall not carry an animal or cause or permit an animal to be carried by road or rail, in a vehicle or receptacle otherwise than in accordance with the provisions of this Article.

(2) 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.

(3) 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.

(4) 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.

(5) Where—

(*a*) a bull which is over the age of 12 months is carried in an undivided vehicle, receptacle or pen it shall, subject to the provisions of sub-paragraph 4(*d*) of Schedule 2, be secured by the head or neck;

(*b*) in accordance with the provisions of paragraph 2(2) of Schedule 2, two or more horses are carried loose in an undivided vehicle, receptacle or pen the hind feet of each horse shall be unshod.

(6) Where the floor of a vehicle or receptacle is not of an anti-slip design, it shall be strewn with a quantity of sand, or other suitable substance, which is sufficient to provide a proper foothold for any animal carried therein.

(7) When a partition in a vehicle or receptacle is used to separate animals being carried therein, it shall (when fitted in position) be of a height of not less than—

(*a*) 1.27 m in the case of cattle (other than calves) and horses; and

(*b*) 76 cm in any other case.

(8) An animal shall not be carried in a vehicle or receptacle unless the animal is accompanied by an attendant who shall be responsible for its general care and for ensuring that it is fed and watered in accordance with the provisions of Article 11. For the purposes of this paragraph the driver of a vehicle used for the carriage of animals by road or the guard of the train used for the carriage of animals by rail may be regarded as such attendant.

(9) Every vehicle or receptacle shall be provided with a means (whether fixed or portable) of artificial lighting which is capable of adequately illuminating the interior of that vehicle or receptacle for the purpose of facilitating the proper care of any animal carried therein.

(10) Every vehicle shall be provided with a door, other than that through which animals are loaded or unloaded, which gives access to each floor of the vehicle so that in the event of an emergency the attendant referred to in paragraph (8) can reach the animals on each floor of the vehicle. Such door shall not open direct into the pen in which the animals are carried unless the vehicle is fitted with equipment to prevent an animal which is carried therein from falling out of the vehicle when that door is opened.

(11) Subject to the provisions of paragraph (12) the floor of a vehicle or receptacle which is used for the carriage of calves or swine shall be covered with an adequate quantity of litter which has not previously come into contact with an animal.

(12) Where a vehicle or receptacle is used in the course of a single day for the carriage of calves or swine on two or more consecutive journeys between the same two places (other than between two markets) the same litter may be used on each journey.

(13) Where in a vehicle or receptacle the accommodation for the carriage of animals comprises, or has been adapted to comprise, two or more floors there shall be—

(*a*) sufficient height within each floor to permit each animal carried in that floor to stand in its natural position;

(*b*) sufficient space above each animal to allow for the proper circulation of air; and

(*c*) satisfactory access to each floor.

(14) Where a vehicle or receptacle is used for the carriage of horses, the height between the floor and the roof of that vehicle or receptacle shall be sufficient to permit each horse being carried therein to stand in a natural position and such height shall not in any case be less than 1.98 m.

Overcrowding

7. A person who carries or is in charge of the carriage of animals by road or rail shall ensure that a vehicle or receptacle used for that purpose or any pen contained therein is not so overcrowded as to cause injury or unnecessary suffering to the animals being carried.

Accommodation of animals during carriage

8.—(1) A person shall not carry an animal or cause or permit an animal to be carried by road or rail, otherwise than in accordance with the provisions of this Article.

(2) Where in a vehicle, or a receptacle being transported on a vehicle, the length of the space for the carriage of animals exceeds—

(*a*) 2.5 m where the animals being carried are calves;

(*b*) 3.1 m where the animals being carried are sheep, swine or goats; or

(*c*) 3.7 m where the animals being carried are horses or cattle (other than calves),

there shall be fitted in that vehicle or receptacle such partitions as are necessary to form for those animals a pen or pens not exceeding in length 2.5 m, 3.1 m or 3.7 m respectively.

(3) Where the number of animals carried in a vehicle, receptacle or pen is less than the number of animals which, having regard to the size of the animals, could without overcrowding be accommodated in that vehicle, receptacle or pen there shall be placed in that vehicle, receptacle or pen a partition so as to ensure that the animals therein are not thrown about during carriage by the motion of the vehicle.

(4) The partition referred to in paragraph (3) shall not be placed in any vehicle, receptacle or pen so as to cause overcrowding to the animals contained therein.

(5) Where horses are carried in a vehicle they shall be loaded in such a way as will ensure that during carriage either—

(*a*) each horse will stand facing the front or the rear of the vehicle and will be tied where necessary and that each group of horses shall be separated from each other group of horses by means of a partition placed across the vehicle which is adequate for the purpose; or

(*b*) each horse will stand facing the side of the vehicle, will be tied where necessary and will be adequately supported against the motion of the vehicle.

(6) A receptacle which is being transported on a vehicle shall—

(*a*) not be placed on top of another receptacle;

(*b*) be secured so as to—

(i) prevent its displacement by either the motion of the vehicle or the action of the weather,

(ii) provide adequate ventilation for each animal being carried therein,

(iii) provide unimpeded access to each animal carried therein, and

(iv) ensure that it remains in an upright position;

(*c*) have securely attached thereto—

(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 its upright position; and

(*d*) be—

(i) soundly constructed,

(ii) escape proof,

(iii) safe for the animals carried, and

(iv) easy to clean.

Separation of animals during carriage

9. The provisions of Schedule 2 shall apply as regards the separating in an undivided vehicle, receptacle or pen of animals during their carriage by road or rail and a person shall not otherwise than in accordance with the provisions of that Schedule carry animals in a vehicle, receptacle or pen, or cause or permit animals to be so carried.

Tethering of animals

10. 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.

Feeding and watering of animals during carriage

11.—(1) Subject to paragraph (5) the carrier, or other person in charge, of an animal which is being carried by road or rail shall ensure that during the journey at intervals not exceeding 12 hours the animal is offered a proper supply of water and food.

(2) For the purposes of this Article a journey shall be deemed to have commenced when the animal (or, where two or more animals are being carried together, the first of those animals) came into the possession of the carrier by whom it was carried for the first part of the journey and the journey shall be deemed to have ended when the animal (or, where two or more animals are being carried together, the last of those animals) has been unloaded from the vehicle or receptacle at its final destination; and for the purposes of this paragraph "final destination" means, in relation to an animal—

(*a*) which is being carried to a market, the market; and

(*b*) which is intended to be exported from Northern Ireland—

(i) where the animal is required by law to be detained at a place of inspection at or near the port of shipment until it has been

examined and certified as fit to travel, the place of inspection; and

(ii) in any other case, the vessel or aircraft by means of which it is to be exported from Northern Ireland.

(3) The Northern Ireland Railways Company shall ensure that at every railway station at which animals are loaded, unloaded or detained during transit, there are sufficient quantities of suitable food and an adequate supply of water available for consumption by such animals.

(4) Where a calf (other than a calf which is accompanied by a cow which is suckling it) is being carried by road it shall be unlawful to feed to that calf milk other than milk which has been reconstituted from dried milk; and for the purposes of this paragraph "dried milk" means milk, partly skimmed milk, skimmed milk or acidified cold milk which by the removal of water has been concentrated to the form of a powder or solid.

(5) The carrier or other person in charge of horses being carried by road or rail in the course of international transport shall ensure that 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.

(6) In paragraph (5) "international transport" means any movement which involves, or is intended to involve, the crossing of a frontier.

Unfit animals and animals likely to give birth during carriage

12.—(1) Subject to the provisions of Article 13, neither the owner of an animal which is unfit nor his agent nor the consignor, carrier or other person in charge of that animal shall permit that animal to be carried (or, where a journey has commenced, to be further carried) by road or rail if by reason of its unfitness the animal is likely to be subjected to unnecessary suffering.

(2) Where the owner of an animal, or his agent or the consignor, carrier or other person in charge of that animal, has reason to believe that the animal is likely to give birth in the course of a proposed journey he shall not except with the written authority of a veterinary inspector and in accordance with the terms and conditions subject to which the authority is given, permit the animal to undertake the journey.

(3) The person in charge of an animal which becomes unfit in the course of a journey shall ensure that the animal is not carried for a period of time which is longer than is necessary to transport the animal to the nearest available place at which it can receive attention.

(4) Notwithstanding the provisions of this Order, in the case of an emergency it shall not be unlawful to use any vehicle to carry with all practicable speed an unfit animal direct either to a place for veterinary treatment or to the nearest available place at which it can be slaughtered.

13.—(1) Where the Department is of the opinion that an animal, which is being or is intended to be carried by road or rail, cannot, by reason of unfitness or the likelihood that it will give birth during carriage, be so carried without unnecessary suffering the Department may take such steps as appear to it to be necessary to mark the animal and may require the owner or other person in

charge of the animal to detain the animal at a suitable place pending its examination by a veterinary inspector and for that purpose to unload the animal out of any vehicle or receptacle.

(2) Where a veterinary inspector is satisfied that the condition of an animal is such as would bring it within the provisions of paragraph (1) the Department may serve on the owner or other person in charge of that animal a notice in writing—

(*a*) prohibiting either absolutely or for such periods as may be specified in the notice the carriage or further carriage of the animal; or

(*b*) permitting, subject to such conditions as may be specified in the notice, the carriage or further carriage of the animal.

(3) The reasonable expenses incurred by the Department from the exercise by it of the powers conferred by the provisions of this Article shall be recoverable on demand as a civil debt by the Department from the owner of the animal or his agent or from the consignor thereof or from any person upon whom a notice under paragraph (2) has been served.

Facilities to be provided in connection with animals carried by rail

14. The Northern Ireland Railways Company shall—

(*a*) make proper and sufficient provision for the loading, unloading and detention of every animal which is about to be or which has been carried by rail; and

(*b*) afford reasonable facilities to an inspector to enable him to examine any animal at the conclusion of that part of its journey which is undertaken by rail, whether before or after the animal has been unloaded from the vehicle in which it has been carried.

Carriage of carcases

15.—(1) A person shall not carry, or cause or permit to be carried, in a vehicle or receptacle in which a live animal is being carried a carcase other than the carcase of an animal which has died in the course of the journey.

(2) Where in the course of a journey an animal dies while it is being carried in the same vehicle or receptacle as another animal, the person in charge of the dead animal shall ensure that its carcase does not remain in the vehicle or receptacle with the other animal for longer than is necessary to transport the dead animal to the nearest available place at which it can be disposed of.

Cleansing and disinfection of vehicles, receptacles etc

16.—(1) Where by virtue of this Article or Article 17 any place, vehicle, receptacle, accessory, equipment or other thing, which is used in connection with the carriage of animals by road or rail or the loading or unloading of such animals is required to be cleansed and disinfected, such cleansing and disinfection shall be carried out in accordance with the provisions of Schedule 3.

(2) Subject to the provisions of paragraphs (5) and (8), every vehicle and receptacle used for the carriage of an animal (otherwise than between two places on the same farm) and any accessory of such a vehicle or receptacle

used for the purpose shall, as soon as practicable thereafter and in any event before it is so used again, be cleansed and disinfected.

(3) Any equipment or other thing used in connection with the loading, unloading or carriage of an animal (otherwise than between two places on the same farm) shall as soon as practicable thereafter and in any event before it is so used again, be cleansed and disinfected.

(4) Every vehicle or receptacle which has been used for the carriage of either a carcase or dung shall (together with its accessories and any other equipment or thing used in connection with the loading, unloading or carriage of the carcase or dung) be cleansed and disinfected before an animal, or a thing intended to be used in connection with an animal, is loaded into the vehicle or receptacle.

(5) The provisions of paragraph (2) shall not apply to a vehicle or receptacle which is used in the course of a single day for the carriage of animals only between the same two places (other than between two markets) or to any accessory of such a vehicle or receptacle.

(6) A vehicle, receptacle or accessory to which paragraph (5) applies shall be cleansed and disinfected as soon as practicable after the last journey during which an animal is carried on that day and in any case before it is used again for the carriage of any animal.

(7) For the purposes of paragraph (6) "last journey during which an animal is carried on that day" shall be deemed to include—

(*a*) a journey commenced but not completed before midnight on the day in question; and

(*b*) where an animal has been participating in an event taking place during or continuing into the evening of the day in question, a journey commenced as soon as practicable after the end of that event whether or not it is commenced before midnight.

(8) The provisions of paragraph (2) shall not apply to a vehicle or receptacle which is used exclusively—

(*a*) by the owner of the vehicle or receptacle for the carriage of a horse owned by him and which is only used for his private recreational or sporting purposes, or any other horse which is used for such purposes and which is kept on the same premises as a horse owned by him; or

(*b*) by the occupier of racing stables licensed by the Turf Club for the carriage of horses kept at those stables to or from race meetings or to or from a place at which horses kept at those stables undergo training for racing,

or to any accessory of such a vehicle or receptacle.

(9) A vehicle, receptacle or accessory to which the provisions of paragraph (8) apply shall be cleansed and disinfected before—

(*a*) in the case of a vehicle, receptacle or accessory to which paragraph (8)(*a*) applies it is used for or in connection with the carriage of an animal other than a horse referred to in that sub-paragraph; and

(*b*) in the case of a vehicle, receptacle or accessory to which paragraph (8)(*b*) applies it is used for or in connection with the carriage of any animal other than a horse kept at stables referred to in that sub-paragraph.

(10) Notwithstanding any other provision in this Article, every vehicle or receptacle which has been used for the carriage of a diseased or suspected animal or for the carriage of the carcase of such an animal shall (together with its accessories and any other equipment or thing used in connection with the loading, unloading or carriage thereof) be cleansed and disinfected immediately after the animal or the carcase has been unloaded and in any case before it is used for the carriage of any animal or a thing intended to be used in connection with an animal.

(11) Every pen, fitting or passageway, and any equipment or other thing used for or in connection with the loading, unloading or detention of animals at a railway station, shall be kept in such condition as will ensure that it is capable of being properly cleansed and disinfected, and shall be so cleansed and disinfected as soon as practicable after being used for or in connection with such loading, unloading or detention, and in any event before being so used again.

(12) Every pen, fitting or passageway and any equipment or other thing used at a railway station in connection with the loading, unloading or detention of a diseased or suspected animal, or of the carcase of such an animal, shall be immediately cleansed and disinfected after such use, and in any event before it is so used again.

Powers in relation to cleansing and disinfection

17.—(1) Where the Department is of the opinion that the provisions of Article 16 have not been fully complied with in any case or where it has reasonable grounds for considering that—

(*a*) any vehicle or receptacle, or any accessory or equipment or other thing used in connection therewith; or

(*b*) any pen, fitting or passageway, or any equipment or other thing used in connection with the loading, unloading or detention of animals at a railway station,

should be cleansed and disinfected apart from those provisions the Department may, by notice served on the owner or other person in charge or having the use of that vehicle, receptacle, accessory, equipment or thing as the case may be or on the Northern Ireland Railways Company, require such cleansing and disinfection as may be stated in the notice to be carried out in accordance with such conditions (if any) as may be stated in that notice and the person on whom such notice is served shall at his own expense carry out the work within the time stated in that notice.

(2) If a person on whom a notice under paragraph (1) is served fails to comply with any of the requirements thereof the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the work specified in the notice, and the amount of any expenses reasonably incurred by the Department in making good the default shall be recoverable by the Department on demand as a civil debt from the person in default.

(3) Where in the opinion of the Department any pen, fitting or passageway or any equipment or other thing used in connection with the loading, unloading or detention of animals at a railway station is not capable, by reason of its design or condition, of being properly cleansed and disinfected in

accordance with the provisions of Schedule 3, it may prohibit in writing its use for that purpose.

Records

18.—(1) Subject to the provisions of paragraphs (4) and (5), a person having the management of a vehicle used for the carriage of animals by road, shall keep, or cause to be kept, a record in respect of the vehicle and the animals carried therein, and every such record shall be in the form set out in Part I of Schedule 4 and shall contain the particulars therein listed.

(2) The particulars listed in the form set out in Part I of Schedule 4 (other than the particulars relating to the times of loading, feeding, watering and unloading, which shall be entered therein immediately after loading, feeding, watering or unloading, as the case may be, has taken place) shall be recorded in a permanent and legible form within 18 hours after the carriage of any animal and the record shall be available at all reasonable times at the office or usual place of business of the person having the management of the vehicle to which that record relates.

(3) Where in the course of a journey an animal is transferred from one vehicle to another, the carrier or other person having charge of the animal before the transfer shall furnish to the carrier or other person having charge of the animal after the transfer such information as may be necessary to enable him to complete the record required to be kept by paragraphs (1) and (2).

(4) The provisions of paragraph (1) shall not apply in respect of a vehicle which is—

(*a*) owned by the proprietor of a travelling circus and is used exclusively for the carriage of animals appearing in that circus; or

(*b*) used for the carriage of a horse on a journey which is completed within a period of less than 3 hours.

(5) Except where a vehicle is used to carry a horse on a journey which is not completed within a period of 12 hours, the provisions of paragraph (1) shall not apply in respect of a vehicle which is used exclusively—

(*a*) by the owner of the vehicle for the carriage of—

(i) a horse which is owned by him and is used by him, or by a person acting with his consent, for private recreational or sporting purposes only, or

(ii) any other horse which is used for such purposes and is kept on the same premises as a horse owned by him; or

(*b*) by the occupier of racing stables licensed by the Turf Club for the carriage of horses kept at those stables to or from race meetings or to and from a place at which horses kept at those stables undergo training for racing.

(6) The Northern Ireland Railways Company Limited shall cause a label containing the particulars prescribed in Part II of Schedule 4 to be affixed to the outside of every vehicle being used for the carriage of animals by rail, and a record of the information contained on such a label shall be kept by a person who has been designated for the purpose by the said Company at the station at which any animal is received and unloaded.

(7) The Northern Ireland Railways Company Limited shall designate a person at every depot at which vehicles used for the carriage of animals by rail are cleansed and disinfected to keep a record indicating the date of cleansing and disinfection of every such vehicle, and the place to which it was despatched for loading.

(8) Every record required to be kept in accordance with the provisions of this Article shall be retained for a period of at least 6 months from the date of the last entry therein and shall be produced at all reasonable times on demand to an inspector or police constable, either of whom shall be entitled to take extracts therefrom.

(9) Nothing in the foregoing provisions of this Article shall affect the provisions of the Movement of Animals (Records) Order (Northern Ireland) 1980(**a**) and any record required to be kept by this Article shall be in addition to any record required to be kept by that Order.

Exceptions in certain cases

19.—(1) The provisions of Articles 3, 6(6), 8(2)(*c*) and 18 shall not apply to a vehicle which is—

(*a*) registered or normally kept in a country other than Northern Ireland; and

(*b*) used exclusively for the carriage of horses which are brought temporarily to Northern Ireland for racing, breeding or other temporary purposes.

(2) (*a*) The provisions of Article 4(3) shall not apply to goats which are carried for breeding or exhibition or as pets; and

(*b*) the provisions of Articles 3, 4(4) and (6) shall not apply to a vehicle which is being used on any journey exclusively for the carriage of goats for breeding or exhibition or as pets.

Amendment and revocation of existing orders

20.—(1) The Transit of Animals (Northern Ireland) Order 1927(**b**) shall be amended by the substitution for Article 30 thereof of the following Article:

"*Notification by inspector of unfitness of animals for conveyance by vessel*

30. Where an inspector is of the opinion that an animal intended to be conveyed on a vessel from any port in Northern Ireland cannot, owing to infirmity, illness, injury, fatigue, the likelihood that the animal will give birth during carriage or any other cause, be so conveyed without unnecessary suffering, he may serve a notice to that effect on the person in charge of the animal and also, when practicable, on the master of the vessel, and until such notice is withdrawn by an inspector it shall be unlawful to convey the animal on a vessel, and if the animal is conveyed in contravention of this Article, the person in charge thereof, and the master of the vessel where the notice has been served on him, shall be deemed guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981.".

(a) S.R. 1980 No. 195
(b) S.R. & O. (N.I.) 1927 No. 38 (p. 40)

(2) The Transit of Animals (General) Order (Northern Ireland) 1973(**a**) shall continue to have no effect in relation to the carriage by road of animals to which this Order applies and shall cease to have effect to the carriage by rail of the animals to which this Order applies.

(3) Nothing in this Order shall affect the operation of any other Order, made or having effect under the Diseases of Animals (Northern Ireland) Order 1981, requiring the cleansing and disinfection of vehicles for the purposes of that Order.

(4) The Transit of Animals (Road) Order (Northern Ireland) 1982(**b**) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 3rd May 1989.

(L.S.)

S. R. Armstrong
Assistant Secretary

(**a**) S.R. & O. (N.I.) 1973 No. 300
(**b**) S.R. 1982 No. 274

SCHEDULE 1 Articles 3, 4(3) and 5(1)

Construction and maintenance of vehicles and receptacles

PART I

ROAD VEHICLES

Construction

1. Every vehicle shall be of a substantial design and shall be constructed and maintained so as to withstand the action of the weather and the weight of any animal which during carriage may be thrown against it.

Partitions

2.—(1) Subject to the provisions of sub-paragraph (4), each floor of a vehicle shall be provided with fittings, which are attached to the sides of the vehicle, to which partitions can be properly secured. Such fittings shall be placed along the length of the body of the vehicle at intervals of not more than 1m.

(2) Every partition shall be of substantial design and shall be constructed and maintained so as to withstand the weight of any animal which during carriage may be thrown against the partition.

(3) Every fitting and partition shall be designed and constructed so as to ensure that any gap between the bottom of the partition and the floor of the vehicle will not permit damage or injury to the limbs of an animal which is carried in the vehicle.

(4) The provisions of sub-paragraph (1) shall not apply to a vehicle which has been specifically designed and constructed and is exclusively used for the carriage of horses loaded therein in such a way as will ensure that during carriage each horse stands facing either the front or the rear of the vehicle.

Barriers or straps

3. Every vehicle shall on each floor on which animals are carried be equipped with barriers or (in the case only of a vehicle described in paragraph 2(4)) with straps, which are so designed, constructed and maintained as to prevent an animal from falling out of the vehicle when the ramp used for loading and unloading is in the lowered position or when the door giving access for inspection is opened.

Slipping

4. The floor of every vehicle shall be fitted with suitable foot battens or some other means of preventing animals from slipping during carriage.

Ramps

5. Every ramp which is carried on or forms part of a vehicle and which is used for the purpose of loading animals into or unloading animals out of that vehicle shall be fitted with suitable foot battens or some other means of affording a proper foothold to an animal which is using it and shall be designed and constructed so as to ensure that:—

(*a*) if animals other than pigs are using the ramp—

(i) the gradient thereof is not steeper than a ratio of 4 in 7 when the vehicle is on level ground;

(ii) any step at the top of the ramp does not exceed 21 cm in height; and

(iii) any gap between the top of the ramp and the vehicle does not exceed 6 cm in width; and

(*b*) if pigs are using the ramp—

(i) the gradient thereof is not steeper than a ratio of 1 in 2 when the vehicle is on level ground;

(ii) any step at the top or bottom of the ramp does not exceed 13 cm in height; and

(iii) any gap between the top of the ramp and the vehicle does not exceed 3 cm in width.

Internal ramps and lifting gear

6.—(1) Every vehicle which contains more than one floor on which animals are carried shall be provided with a suitable ramp or suitable mechanical lifting gear (which shall be carried at all times on the vehicle) which is designed to facilitate the movement of animals from one floor of the vehicle to another.

(2) Every such ramp shall be fitted with:

(*a*) suitable foot battens or some other means of affording a proper foothold to an animal which is using it; and

(*b*) side railings or some other means of protection which are designed and constructed so as to prevent an animal from falling when using that ramp.

(3) Every ramp other than those to which paragraph 5 applies shall be designed and constructed so as to ensure that:—

(*a*) if animals other than pigs are using the ramp the gradient thereof is not steeper than a ratio of 2 in 3 when the vehicle is on level ground; and

(*b*) if pigs are using the ramp—

(i) the gradient thereof is not steeper than a ratio of 1 in 2 when the vehicle is on level ground;

(ii) any step at the top or bottom of the ramp does not exceed 13 cm in height; and

(iii) any gap between the top of the ramp and the floor to which it gives access does not exceed 3 cm in width.

Ventilation and disinfection

7. Every vehicle shall be designed, constructed and maintained so as:

(*a*) to ensure that adequate and suitable ventilation is provided for every animal carried on each floor thereof; and

(*b*) to enable the vehicle to be cleansed and disinfected in accordance with the requirements of Schedule 3.

Inspection of interior

8.—(1) Every vehicle shall be designed and constructed so as readily to facilitate the inspection from the outside of the vehicle of the interior thereof at each floor level and for this purpose there shall be provided suitably arranged apertures together with holds for hands and foot.

(2) The requirements of sub-paragraph (1) shall be satisfied by the provision of a door (other than a door through which animals are loaded or unloaded) which gives access to each floor of the vehicle.

Tying points

9. Every vehicle which is used for the carriage of animals which are required to be secured during carriage shall be provided with sufficient tying points designed and constructed for the purpose.

Interior to be free from projections and other hazards

10.—(1) Where the wheel arches of a vehicle project into the interior of the vehicle they shall be fully covered with permanently fitted shields which have been designed and constructed to prevent injury or unnecessary suffering to an animal carried in the vehicle.

(2) The interior of every vehicle shall be free from any sharp edges or projections which are likely to cause injury or unnecessary suffering to an animal being carried in the vehicle, and all electrical fittings and wiring belonging or attached thereto shall be protected so as to prevent injury to any such animal by its coming into contact therewith.

Protective covering

11.—(1) Subject to paragraph (2) a vehicle shall be provided with rigid sides and a weather-proof roof.

(2) A vehicle which was used for the carriage of animals on or before 4th October 1982 shall from the date of coming into operation of this Order either:

(*a*) be provided with rigid sides and weather-proof roof; or

(*b*) be adapted so that a covering may be fitted to protect an animal during carriage from injury or the action of the weather.

(3) Nothing in sub-paragraph (1) shall preclude a vehicle to which it applies from being constructed or adapted so as to permit the top floor thereof (in the case of a vehicle which contains more than one floor) from being capable of being removed or collapsed when not in use.

PART II

RAIL VEHICLES

Construction of rail vehicles

12. Every vehicle and its fittings shall be of substantial design and shall be constructed and maintained so as to withstand the action of the weather and the weight of any animal which during carriage may be thrown against it.

Provision of partitions

13.—(1) Every vehicle shall be equipped, at suitable intervals along its body length, with fittings to which partitions can be properly secured.

(2) Every partition shall be of substantial design, and so constructed and maintained as to withstand the weight of any animal which may be thrown against it.

(3) Every fitting and partition shall be so designed and constructed as to ensure that any gap which is left between the lower end of the partition and the floor of the vehicle will not result in damage or injury to the limbs of any animal being carried in the vehicle.

Protection of animals against slipping

14. The floor of every vehicle shall be fitted with suitable foot battens, or with some other means of preventing animals from slipping during carriage.

Weather-proofing

15. Every vehicle shall be fitted with a rigid and weather-proof roof.

Falling loading doors

16. Every vehicle shall be fitted with a falling loading door which is suitable for the purpose of loading animals into and unloading animals out of the vehicle, and

every such loading door shall be provided with suitable foot battens or with some other means of affording a proper foothold to any animal which is using it.

Ventilation and disinfection

17. Every vehicle shall be so designed, constructed and maintained as to—

(*a*) ensure that adequate and suitable ventilation is provided for every animal being carried therein; and

(*b*) enable the vehicle to be cleansed and disinfected in the manner prescribed by this Order.

Provision for inspection of interior of vehicles

18. Every vehicle shall be so designed and constructed as to ensure that the interior thereof can be readily inspected from outside.

Interior of vehicles to be free from projections.

19. The interior of every rail vehicle shall be free from any sharp edges or projections which are likely to cause injury or unnecessary suffering to any animal being carried in the vehicle.

PART III

RECEPTACLES

Construction

20. Every receptacle shall be of substantial design and shall be constructed and maintained so as to withstand the action of the weather and the weight of any animal which during carriage may be thrown against it.

Requirements for receptacles

21. Every receptacle shall be so designed, constructed and maintained and be of sufficient size and height as to ensure that:

(*a*) each animal carried therein can be properly accommodated without being caused unnecessary suffering;

(*b*) the feeding and watering of each animal therein can be effected without removing the animal from the receptacle;

(*c*) each animal carried therein is able to stand in its natural position;

(*d*) adequate and suitable ventilation is provided for each animal carried therein;

(*e*) suitably placed apertures are available to enable the interior thereof to be readily inspected;

(*f*) easy access to the interior thereof is available;

(*g*) each animal carried therein is protected from exposure to extreme weather conditions;

(*h*) the interior thereof does not contain sharp edges or projections which are likely to cause injury or unnecessary suffering to any animal carried therein; and

(*i*) the receptacle can be adequately cleansed and disinfected in the manner prescribed by this Order.

Leakage

22. Every receptacle shall be designed, constructed and maintained so as to prevent any leakage therefrom of liquid matter or any escape therefrom of waste feedingstuffs or animal droppings.

Slipping

23. The floor of every receptacle shall either be fitted with suitable foot battens or be provided with a suitable anti-slip surface.

Securing to vehicles

24. Every receptacle shall be designed, constructed and maintained so as to ensure that it is capable of being properly and effectively secured to the vehicle on which it is transported.

SCHEDULE 2 Articles 6(5) and 9

Separation of animals during carriage

Extension of definition of "animals"

1. For the purposes of paragraph 2 the expression "animals" shall not be restricted to the meaning assigned to it by Article 2 but shall be construed as referring to animals of any species.

Animals to be carried separately

2.—(1) Subject to the provisions of paragraph 4, an animal of a description set out at (*a*) to (*h*) shall not be carried in the same undivided vehicle, receptacle or pen as any other animal—

(*a*) a cow when accompanied by a calf or calves it is suckling;

(*b*) a bull over the age of 12 months;

(*c*) a sow when accompanied by unweaned piglets;

(*d*) a boar over the age of 6 months;

(*e*) a mare with a foal at foot;

(*f*) a stallion;

(*g*) a ram over the age of 6 months;

(*h*) a jackass.

(2) Subject to the provisions of sub-paragraph (1) and paragraphs 3 and 4, animals of any one of the following descriptions may be carried together in the same undivided vehicle, receptacle or pen but shall be carried separately from any other animal—

(*a*) horned cattle;

(*b*) cattle without horns;

(*c*) calves;

(*d*) ewes when accompanied by unweaned lambs;

(*e*) weaned lambs under the age of 3 months;

(*f*) other sheep;

(*g*) weaned piglets under the age of 3 months;

(*h*) other swine;

(*i*) female goats when accompanied by unweaned kids;

(*j*) male goats over the age of 6 months;

(*k*) broken horses other than asses, mules and hinnies;

(*l*) unbroken horses, other than asses, mules and hinnies;

(*m*) she-asses;

(*n*) mules and hinnies;

(*o*) foals of any description under the age of 9 months.

Secured and unsecured animals not to be carried together

3. Notwithstanding the provisions of paragraph 2, an animal which is unsecured (other than unweaned young which are being carried with a female animal which is suckling them or on an animal to which the provisions of paragraph 4(*b*) apply) shall not be carried in the same undivided vehicle, receptacle or pen as an animal which is secured.

Exceptions

4. Notwithstanding the provisions of paragraph 2—

(*a*) a horse shall not be carried in the same vehicle or receptacle as any swine;

(*b*) subject to the provisions of sub-paragraph (*a*) a horse registered under the Rules of Racing may be accompanied in the same undivided vehicle, receptacle or pen by an animal which is its stable companion;

(*c*) horned cattle and cattle without horns may be carried in the same undivided vehicle, receptacle or pen if all of the animals which are so carried are secured by the head or neck;

(*d*) bulls over the age of 12 months which have been reared together may be carried in the same undivided vehicle, receptacle or pen without being secured by the head or neck; and

(*e*) goats other than male goats over the age of 6 months may be carried together in the same undivided vehicle, receptacle or pen if they are carried for breeding or exhibition or as pets and if they have been kept together on the same premises.

SCHEDULE 3 Articles 16(1) and 17(3)

Cleansing and disinfection

Vehicles and receptacles

1. Where a vehicle or receptacle is by this Order required to be cleansed and disinfected—

(*a*) the floor, sides and roof of the interior of the vehicle or receptacle and the sides and ends of the exterior thereof together with all fittings and other parts of the vehicle or receptacle with which any animal, or its droppings or other discharge or excretion, has come into contact shall be—

(i) swept or otherwise cleansed and all sweepings, dung, litter and other matter removed, and

(ii) washed or scrubbed with water and thereafter treated with an approved disinfectant; and

(*b*) the sweepings and all dung, litter and other matter from it shall be destroyed or effectively removed from contact with any animal; and

(*c*) all its accessories shall be cleansed and disinfected by being sprayed with or washed or saturated with an approved disinfectant.

Cleansing and disinfection of pens, passageways, etc, at railway stations

2.—(1) Where any pen or passageway used in connection with the loading, unloading or detention of animals at a railway station is required by this Order to be cleansed and disinfected, such cleansing and disinfection shall be effected in the manner prescribed in relation to vehicles and receptacles by the provisions of paragraph 1(*a*), and all sweepings, dung, litter and other matter shall be disposed of in the manner prescribed by paragraph 1(*b*).

(2) Where any fitting, equipment or other thing used in connection with the loading, unloading or detention of animals at a railway station is required by this Order to be cleansed and disinfected, such cleansing and disinfection shall be effected by the fitting, equipment or other thing being washed or scrubbed with water, and thereafter sprayed with or washed or saturated in an approved disinfectant.

Special requirements where diseased or suspected animals or carcases have been carried

3. Where a vehicle or receptacle has been used for the carriage of a diseased or suspected animal or the carcase of such animal before the vehicle or receptacle is cleansed and disinfected in accordance with the provisions of paragraph 1 the dung and all parts of the vehicle or receptacle with which the dung has come into contact shall be sprayed with or saturated with an approved disinfectant.

SCHEDULE 4

Records

PART I

FORM OF RECORD IN RESPECT OF THE CARRIAGE OF ANIMALS BY ROAD

Name and full address of owner or other person having the management of the vehicle _____

_____

_____

Description of vehicle: _____

Registration number: _____

Name of driver	Date and time of loading animals	Number and description of animals carried	(i) Premises from which moved: (ii) Person from whom delivery was taken (see Note 4)	Time(s) and place(s) of feeding and watering (See Note 5)	Time of unloading animals	(i) Premises to which moved (ii) Person taking delivery	Date when and premises where vehicle was cleansed and disinfected in accordance with the Order
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

NOTES:

1. Entries relating to times of loading, feeding and watering and unloading to be made when loading, feeding and watering and unloading take place and other entries as soon as possible after completion of the journey and in any case within 18 hours. (Article 18(2)).
2. Entries to be made in a permanent and legible form. (Article 18(2)).
3. Record to be available at the office or usual place of business of the person having the management of the vehicle to which it relates: (Article 18(2)) to be retained there for a period of 6 months from date of latest entry; and to be produced on demand. (Article 18(8)).
4. Entry (ii) in column (4) to be completed by carrier or other person having charge of an animal which is transferred from one vehicle to another. (Article 18(3)).
5. Column (5) to be completed when a journey exceeds 12 hours. (Article 11(1)).

PART II

PARTICULARS TO BE INCLUDED IN FORM OF RECORD IN RESPECT OF THE CARRIAGE OF ANIMALS BY RAIL

(*a*) Date and time when animals came into Northern Ireland Railways Company's custody and when last fed and watered.

(*b*) Number and description of animals.

(*c*) Name and address of consignor.

(*d*) Name and address of consignee.

(*e*) Station of loading, route and station of unloading.

(*f*) Place, time and date of feeding and watering of animals.

(*g*) Name of the depot to which the vehicle is consigned for cleansing and disinfection and date.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order:

(*a*) revokes the Transit of Animals (Road) Order (Northern Ireland) 1982 (''the 1982 Road Order'') which contained measures to safeguard the welfare of horses, cattle, sheep, goats and swine (''domestic farm animals'') with regard to their transportation by road; and

(*b*) disapplies the Transit of Animals (General) Order (Northern Ireland) 1973 insofar as it contained measures safeguarding such animals with regard to their transportation by rail.

The provisions of the 1982 Road Order are re-enacted, with amendments and extended so as to apply to the loading, unloading and carriage by rail of domestic farm animals and to lay down detailed requirements as to the construction and maintenance of vehicles and receptacles used for that purpose.

The amendments are, inter alia, to implement certain requirements of Council Directive 77/489/EEC (OJ No. L200, 8.8.77, p. 10) on the protection of animals during international transport.

The principal amendments are:

(*a*) the inclusion of a requirement that any receptacle containing animals shall be kept in an upright position while being loaded into or unloaded out of a vehicle;

(*b*) 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;

(*c*) a provision is included 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;

(*d*) there is 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;

(*e*) there is a provision 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 requiring it to be soundly constructed, escape-proof, easy to keep clean and safe for the animals carried in it; and

(*f*) 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.

Any person who without lawful authority, or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalties for such an offence are on summary conviction, a fine not exceeding level 5 on the standard scale (currently £2,000) or in the case of an offence committed with respect to more than 5 animals not exceeding level 3 on the standard scale (currently £400) for each animal.

Copies of Council Directive 77/489/EEC can be obtained from HMSO, Chichester Street, Belfast.