

DISEASES OF ANIMALS (PROTECTION OF ANIMALS DURING TRANSPORT) ORDER 1995

I, IVAN YATES, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by sections 3 of the Diseases of Animals Act, 1966 (No. 6 of 1966), as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order, 1993 (S.I. No. 11 of 1993) and for the purpose of giving effect to Council Directive No. 91/628/EEC(1) of 19 November 1991, as amended by Council Decision No. 92/438/EEC(2) of 13 July 1992 and Commission Decision No. 94/96/EC(3) of 3 February 1994, hereby order as follows:—

PART I

PRELIMINARY

REG 1

Citation and Commencement.

1. (1) This Order may be cited as the Diseases of Animals (Protection of Animals during Transport) Order, 1995.
- (2) This Order shall come into operation on the second day of May, 1995.

REG 2

Interpretation.

2. (1) In this Order—

"the Act" means the Diseases of Animals Act, 1966 (No. 6 of 1966);

"airport" means any place in the State at which animals are loaded into or unloaded out of an aircraft, or at which an aircraft calls while transporting animals;

"attendant" includes the driver of a road vehicle, the guard of a train, and a member of a crew of any vessel or aircraft so far as such person is designated to act as an attendant in respect of the animals being transported;

(1) O.J. No. L340 of 11.12.1991, P.17.

(2) O.J. No. L243 of 25.8.1992, P.27.

(3) O.J. No. L50 of 22.2.1994, P.13.

"authorised officer" means a person who stands for the time being appointed under Article 17 of an inspector within the meaning of the Act;

"captain", in relation to transport by air, means the member of the flight crew designated as captain of an aircraft by the operator thereof, or, failing such designation, the person who is for the time being the pilot of the said aircraft;

"Cites guidelines" means the Convention on international trade in endangered species on wild flora and fauna guidelines for the time being in force;

"container" means a crate, box or other suitable receptacle used for the transport of animals which is not an integral part of a means of transport;

"the council Directive" means Council Directive No. 91/628/EEC of 19 November 1991 as amended by Council Decision No. 92/438/EEC of 13 July 1992 and Commission Decision No. 94/96/EC of 3 February 1994;

"health certificate" means a certificate issued and signed by an inspector as required by Council Directives No. 64/432/EEC(4), 91/68/EEC,(5) 90/426/EEC(6) or 92/65/EEC(7) or as required by the competent authority of a third country;

"IATA live animals regulations" means International Air Transport Association Regulations on the transport of live animals for the time being in force;

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

"Member State" means a Member State of the European Communities;

"the Minister" means the Minister for Agriculture, Food and Forestry;

"port" means any place in the State at which animals are loaded into or unloaded out of a vessel, or at which a vessel calls while transporting animals;

(4) O.J. No. 121 of 29.7.1964, P.1977.

(5) O.J. No. L46 of 19.2.1991, P.19.

(6) O.J. No. L224 of 18.8.1990, P.42.

(7) O.J. No. L268 of 14.9.1992, P.54.

"premises" includes land, with or without buildings;

"a registered veterinary surgeon" means a person currently registered in the register established under the Veterinary Surgeons Act, 1931 (No. 36 of 1931);

"rest period" means a continuous period in the course of a journey during which animals are not being moved by a means of transport;

"route plan" means the document set out in the Second Schedule;

"third country" means a country which is not a member of the European Communities;

"transporter" means any person, and in the case of animals being transported in a road vehicle on board a vessel the person in charge of the animals, transporting animals—

(a) on his own account, or

(b) for the account of a third party, or

(c) by providing a third party with a means of transport of animals;

"vessel" includes hovercraft.

(2) A word or expression that is used in this Order and is also used in the Council Directive has, unless the contrary intention appears, the same meaning in this Order as it has in the Council Directive.

(3) In this Order a reference to a Council Directive, Act or Statutory Instrument is, save where the context otherwise requires, a reference to that Directive, Act or Instrument as amended prior to the coming into operation of this Order.

(4) In this Order—

- (a) a reference to a Chapter or Article is to a Chapter or Article of this Order, unless it is indicated that reference to some other provision is intended;
- (b) a reference to a Schedule is to a Schedule to this Order;
- (c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

REG 3

General Provisions and Exemptions.

3. (1) Subject to paragraph (2), the provisions of this Order shall apply to the transport of:
- (a) domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species;
 - (b) poultry, domestic birds;
 - (c) domestic cats and domestic dogs;
 - (d) other mammals and birds;
 - (e) other vertebrate animals and cold-blooded animals.
- (2) The provisions of this Order, other than Articles 4, 6, 7, 14, 15, 16 and Chapter I of the First Schedule, shall not apply to:
- (a) (i) transport which is not of a commercial nature;
 - (ii) the transport of any single animal accompanied by a person who has responsibility for the animal during transport;
 - (iii) the transport of pet animals which are accompanied by their owner;
 - (b) the transport of animals carried out up to a maximum distance of 50 kilometres counted from the start of the transport of the animals to the place of destination.
- (3) Nothing in this Order shall be construed as purporting to create a criminal jurisdiction in relation to actions committed wholly outside the criminal jurisdiction of the State.
- (4) Notwithstanding paragraph (3), where, whether within or outside the criminal jurisdiction of the State, any person fails to comply with any of the provisions of this Order or of the Council Directive, it shall be lawful for the Minister to have regard to such failure in relation to the granting, suspension or revocation of the Registration or Authorisation of any person under Articles 11 and 12. However, where a person would, in complying with such provisions, contravene the criminal legislation of the State in which the failure occurred (proof of which shall lie on him), the provisions of this paragraph shall not apply.

PART II

CONDITIONS FOR TRANSPORT

REG 4

General Conditions.

4. (1) No person shall transport animals by sea, air, road or rail, or cause or permit animals to be so transported, in such a way as is likely to cause injury or unnecessary suffering to the animals.

(2) No person shall cause or permit the transport of animals unless they are fit for the intended journey and unless suitable provision is made for their care during the journey and on arrival at their place of destination.

(3) No person shall cause or permit the transport of any animal that is unfit by reason of it being newborn, aged, diseased, infirm, ill, injured or fatigued or that has given birth within the preceding 48 hours or likely to give birth during transport.

However, this provision shall not apply to:

- (i) animals that are slightly injured or ill whose transport would not cause unnecessary suffering;
- (ii) animals whose transport has been approved in writing by an authorised officer for the purposes of scientific research.

REG 5

Requirements to Identify, Register and Authorise.

5. No transporter shall carry out transport of any animals by sea, air, road or rail unless:

- (a) the animals are identified throughout the journey in accordance with Article 9;
- (b) the transporter is registered by the Minister in accordance with the provisions of Article 11;
- (c) in the case of the transport of animals beyond the territory of the State, the transporter is authorised to carry out such transport in accordance with the provisions of Article 12.

REG 6

Loading and Unloading Animals.

6. (1) Without prejudice to the generality of Part II of this Order, it shall be the duty of the person in charge of animals being transported to ensure that the provisions of this Article are applied to the animals in the manner appropriate to their species.

(2) (a) No person shall load animals into a means of transport, or cause or permit any animals to be so loaded, in such a way as is likely to cause injury or unnecessary suffering to the animals.

(b) No person shall unload animals out of a means of transport, or cause or permit any animal to be so unloaded, in such a way as is likely to cause injury or unnecessary suffering to the animals.

(3) Without prejudice to paragraphs (1) and (2), it shall be the duty of any person in charge of any animals which are being loaded into, unloaded out of or transported in a means of transport to ensure that in the case of animals being so loaded, unloaded or transported, that they are not and will not be caused injury or unnecessary suffering, by reason of—

(i) inadequately constructed or insecure fittings in that part of the means of transport in which the animals are to be or are being transported or from which they are being unloaded, or

(ii) contact with any fittings or other part of the means of transport which has not been adequately padded or fenced-off, or with any obstruction, or

(iii) undue exposure to the action of the weather or the sea, or

(iv) an inadequate supply of fresh air, whether the means of transport is stationary or in motion, or

(v) in the case of transport by air, exposure to undue fluctuations in temperature, humidity or air pressure, or from undue exposure to noises, or

(vi) any other matter or thing.

(4) The duty imposed by paragraph (3) in relation to animals being loaded as specified therein shall extend to any period during which the animals are waiting to be so loaded and the duty so imposed in relation to animals being unloaded as specified in that paragraph shall extend to any period during which the animals are waiting to be so unloaded.

(5) Animals shall be loaded only into means of transport of which the areas where the animals are confined have been thoroughly cleaned and disinfected.

(6) In relation to transport by sea or air, the provisions of this Order shall apply to animals being transported on any vessel or aircraft to or from a port or airport in the State whether or not such animals are loaded or unloaded at such port or airport.

Animals shall be loaded and unloaded only at ports and airports which have suitable facilities for the care of animals, including, if appropriate, facilities for the feeding, watering and resting of animals.

(7) Animals shall not be transported by sea or air if, in the judgement of the master or, as the case may be, the captain, there are grounds for believing that, due to adverse weather conditions, the voyage or flight will be attended by serious risk of injury to, suffering by or loss of life among the said animals.

REG 7

Feeding and Watering Intervals.

7. It shall be the duty of the owner, captain or master of a vessel or aircraft in which animals are being transported by sea or air, and of the person in charge of the means of transport or other person in charge of the animals being transported by road or rail or being transported in a road vehicle on board a vessel, to ensure that—

- (a) the animals are adequately fed and watered and, if necessary, milked at suitable intervals, including any period during which animals are waiting to be loaded or unloaded,
- (b) where necessary, adequate supplies of food and water appropriate to the species of animals being transported are available in the means of transport;
- (c) an attendant is available while the animals are being transported who shall be responsible for carrying out feeding, watering and milking, as required in Chapter I of the First Schedule; and
- (d) where necessary, suitable access to the animals is readily available for the purpose of feeding and watering and otherwise attending to them as required by this Order and adequate lighting is available for the proper tending of the animals.

REG 8

Other Conditions.

8. (1) The transporter shall ensure that:

- (a) the transport of animals is carried out in accordance with the provisions of this Order and, in particular, in accordance with the general provisions of Chapter I of the First Schedule. In addition, the transporter shall ensure that the provisions of this Order and the relevant Chapter of the First Schedule are applied to animals in the manner appropriate to their species;
- (b) animals that fall ill or are injured during transport receive first aid treatment as soon as possible; the person in charge of the means of transport shall ensure that, if appropriate, the animals receive veterinary treatment and, if necessary, undergo emergency slaughter in a way that does not cause the animals unnecessary suffering;

(c) the means of transport is not overcrowded and the animals being so transported are accommodated in such a way as to avoid any risk of injury or unnecessary suffering; to ensure this, loading densities for animals shall at least comply with the requirements laid down in Chapter VI of the First Schedule, in respect of the animals and the means of transport referred to in that Chapter;

(d) travelling times, rest periods and feeding and watering intervals for animals of the species referred to in Article 3 (1)

(a) shall at least comply with the requirements laid down in Chapter VII of the First Schedule.

(2) The provisions of paragraph (1), shall not apply, however, to the transport of animals for emergency veterinary treatment or slaughter. In such circumstances, the person in charge of the means of transport shall ensure that any such transport is carried out so as to avoid causing unnecessary suffering or ill treatment to the animals concerned.

REG 9

Identification of Animals.

9. The transporter carrying out the transport of animals covered by the provisions of this Order shall ensure that the animals are identified throughout the journey. To this end, that person shall ensure that a document accompanies the animals during their journey indicating:

- (a) the place of origin and owner of the animals;
- (b) the place of departure and place of destination;
- (c) the date and time of departure;
- (d) a full description of the animals being transported.

The person in charge of the means of transport shall produce this document to, and allow it to be inspected by, an authorised officer on a request being made in that behalf by such officer.

PART III

REG 10

10 Duties of the Transporter.

10. The transporter shall ensure that he:

(a) is:

- (i) registered by the Minister for the time being, to transport animals, in accordance with Article 11;
- (ii) in the case of transport of animals beyond the territory of the State, authorised for the time being by the Minister in accordance with Article 12.

(b) does not transport any animals, or cause any animals to be transported, in a way which is likely to cause injury or undue suffering to those animals;

(c) uses, for the transport of animals referred to in this Order, means of transport that complies with the Council Directive

and this Order and in particular the requirements laid down in the First Schedule;

(d) entrusts the transport of animals to staff who have received appropriate training or have the equivalent practical experience as required in Article 12 (4) (b);

(e) for animals referred to in Article 3 (1) (a), where the journey time is likely to exceed 8 hours, completes Part A of the route plan set out in the Second Schedule which shall accompany the animals indicating any staging and transfer points during the whole period of the journey;

(f) submits to an inspector the route plan referred to in subparagraph (e), on which will be indicated the number or numbers of the health certificates, if any, and the authorisation number allocated to him in accordance with Article 12, which shall then be stamped and signed by an inspector, where the inspector is satisfied that such route plan complies with the provisions of this Order, prior to export of these animals from the State;

(g) (i) arranges for the correct drawing up of the route plan referred to in subparagraph (e) and attaches it to the health certificate or certificates, if any, accompanying the animals throughout the journey;

(ii) arranges that the staff in charge of the means of transport (I) state in the route plan the times and places at which the animals transported have been fed and watered and ensure that all other requirements of Part B of the route plan are completed during the journey;

(II) following the return of the means of transport concerned to the State, and within a maximum of seven days, following such return, return the route plan to the Minister.

(h) keeps a copy of the route plan for a period of at least one year from the date of return of the means of transport to the State. This copy shall be produced to, and may be inspected by, an authorised officer on a request being made in that behalf by such officer;

(i) takes the necessary steps to meet the animals' needs for food and water during the journey, even where the journey is changed from that specified in the route plan or where the journey is interrupted for reasons beyond his control;

(j) arranges, subject to the provisions of Chapter VII of the First Schedule, for the animals to be transported without delay to their place of destination;

(k) ensures, without prejudice to compliance with the provisions of Chapter III of the First Schedule, that animals of species not referred to in Chapter VII of the First Schedule are suitably fed and watered at appropriate intervals during transport;

(l) notifies the Minister in writing, within seven days of the return of the means of transport concerned to the State, of any deaths of or serious injuries to animals being transported during the journey and the reasons for such deaths or serious injuries.

(2) The costs of meeting animals' feeding, watering and rest

requirements shall be borne by the transporter.

PART IV

REGISTRATION AND AUTHORISATION

REG 11

Registration.

11. (1) The Minister shall establish and maintain a register (referred to subsequently in this Article as "the register") of persons carrying out animal transport who have been approved by him as transporters.

(2) An application for registration in the register shall be made in such form as the Minister may specify.

(3) A person applying for registration in the register shall furnish the Minister with such information as he may reasonably require for the purposes of his functions under this Order.

(4) The register may be established and maintained in a form that is not legible if it is capable of being converted into a legible form.

(5) A certificate purported to be signed by a person authorised by the Minister in that behalf and to certify that on a specified day or days or during the whole of a specified period a particular person did not stand registered in the register or that on a specified day his registration had been revoked shall, without proof of the signature of the person purporting to sign the certificate or that he was so authorised by the Minister, be evidence, unless the contrary is shown, of the matters stated in the certificate.

(6) A person shall not, with effect from the 1st day of June, 1995 transport animals to which this Order refers unless he is for the time being registered in the register.

(7) The Minister may, if he is satisfied that the provisions of this Order and of the Council Directive are not being complied with by a person registered in the register or will not be complied with by an applicant for such registration, revoke or suspend the registration or refuse to register the person in the register.

(8) Where the Minister proposes to revoke or suspend a registration, or to refuse to register a person, in the register, he shall—

(a) notify the person concerned in writing of the proposal and of the reasons therefor,

(b) notify the person in writing that he, or a person acting on his behalf, may make representations to the Minister in relation to the proposal within 14 days of the issue by him of the notification, and

(c) consider any such representations duly made before deciding whether to proceed with the proposal or not.

(9) Where a registration is suspended or revoked, the Minister may

issue a notice in writing requiring the transporter to cease the transport of animals from a date specified in that notice.

(10) Where the Minister suspends or revokes a registration, the person who held the registration shall not transport animals subsequent to the date of revocation or suspension, as the case may be, except with the approval of the Minister.

(11) The Minister may restore a registration, if the registration has been suspended in accordance with paragraph (7), in instances where—

(a) the transporter demonstrates to the satisfaction of the Minister that he will comply with the requirements of the Council Directive and this Order, and

(b) checks carried out by an authorised officer confirm the safety of the means of transport of the animals in accordance with the provisions of this Order.

(12) The Minister may where he is satisfied that there is a serious and immediate risk to animal welfare, suspend, without affording to the person granted the registration an opportunity of making representations referred to in subparagraph (b) of paragraph (8), a registration granted under this Article.

REG 12

12 Authorisation.

12. (1) The Minister shall authorise persons to transport animals beyond the territory of the State in accordance with this Article.

(2) An application for authorisation shall be made in such form as the Minister may specify.

(3) A person applying for authorisation shall furnish the Minister with such information as he may reasonably require for the purposes of his functions under this Order.

(4) A person shall not be authorised by the Minister to transport animals beyond the territory of the State unless he has given an undertaking in writing to the Minister that:

(a) such transport shall be carried out in compliance with the Council Directive and this Order;

(b) the staff referred to in Article 10 (1) (d) have received appropriate training or have equivalent practical experience qualifying them to handle and transport animals and to administer, if necessary and without prejudice to the provisions of paragraph 6 of Chapter 1.A of the First Schedule, appropriate care to the animals transported;

(5) When the Minister authorises, a transporter in accordance with this Article, he shall allocate an authorisation number to that person and shall notify the transporter in writing of the authorisation and of the number.

(6) The Minister may attach conditions, as he considers necessary for the protection of animals during transport, to an authorisation under this Article, or subsequently, and may amend or revoke a condition attached to the authorisation and shall notify the

transporter concerned in writing of the conditions, amendment or revocation concerned.

(7) A list of transporters authorised under this Article shall be maintained by the Minister. The list may be established and maintained in a form that is not legible if it is capable of being converted into a legible form.

(8) The Minister may, if he is satisfied that the relevant provisions of this Order are not being complied with by a transporter, refuse to authorise the transporter and shall notify the transporter in writing of the refusal and the reasons for such refusal. Any infringement of this Order, within this jurisdiction or not, resulting in severe suffering to animals, may result in the suspension or withdrawal of an authorisation granted by the Minister under this Article.

(9) Where the Minister proposes to revoke or suspend an authorisation, or to refuse to authorise a person, he shall—

(a) notify the person concerned in writing of the proposal and of the reasons therefor,

(b) notify the person in writing that he, or a person acting on his behalf, may make representations to the Minister in relation to the proposal within 14 days of the issue by him of the notification, and

(c) consider any such representations duly made before deciding whether to proceed with the proposal or not.

(10) Where an authorisation is suspended or revoked, the Minister may issue a notice in writing requiring the transporter to cease the transport of animals from a date specified in that notice.

(11) Where the Minister suspends or revokes an authorisation, the person who held the authorisation shall not transport animals subsequent to the date of revocation or suspension, as the case may be, except with the approval of the Minister.

(12) The Minister may restore an authorisation, if the authorisation has been suspended in accordance with paragraph (8), in instances where—

(a) the transporter demonstrates to the satisfaction of the Minister that he will comply with the requirements of the Council Directive and this Order, and

(b) checks carried out by an authorised officer confirm the safety of the means of transport of the animals in accordance with the provisions of this Order.

(13) The Minister may where he is satisfied that there is a serious and immediate risk to animal welfare, suspend, without affording to the person granted the authorisation an opportunity of making representations referred to in sub-paragraph (b) of paragraph (9), an authorisation granted under this Article.

PART V

REG 13

Imports from Third Countries.

13. (1) No person shall import from outside the European Communities into the State, either for importation into the State or transit through the State, any animal from a third country, unless the person in charge of the means of transport:

(a) has given a written undertaking to the Minister to comply with the requirements of this Order and the Council Directive and has made arrangements to comply with them;

(b) submits a route plan drawn up in accordance with the provisions of Article 10 (1).

(2) If an authorised officer establishes that the requirements laid down in this Order and the Council Directive for the feeding and watering of animals, imported into the State under this Article, have not been complied with, he may take the measures provided for in Article 15 to protect the welfare of the animals. He may issue a notice in writing outlining these measures and serve or cause it to be served on the transporter or person who appears to him to be for the time being in charge of the animals. All expenses incurred in carrying out the terms of the notice shall be met by the person on whom the notice is served.

PART VI

ANIMAL WELFARE

REG 14

Protection of Animal Welfare to be Transported.

14. Where an authorised officer has reason to believe that an animal loaded or intended to be loaded into a means of transport is likely, from whatever cause, to be caused injury or unnecessary suffering if transported therein or because such transport would contravene a provision of this Order, he may, by a notice in writing served on the master of the vessel or the captain of the aircraft or, in the case of transport by road or rail or by a road vehicle on board a vessel, on the person appearing to such officer to be in charge of the animals—

(a) require the animals, if necessary, to be unloaded forthwith out of the means of transport, and to be removed to such place as may be specified in the notice, or

(b) prohibit absolutely or for such period as may be specified in the notice such transport or, as the case may be, the further transport of the animals, or

(c) prohibit the transport or, as the case may be, the further transport of the animals unless such conditions as may be specified

in the notice are complied with.

REG 15

Protection of Animal Welfare during Transport.

15. (1) If it is found, by an authorised officer, that in the course of transport the provisions of this Order and the Council Directive are not being or have not been complied with or there are reasons to believe that they will not be complied with, the authorised officer shall, by a notice in writing, served on the person in charge of the animals or the means of transport of the animals, require him, as the case may be, to take such action as the authorised officer considers necessary in order to safeguard the welfare of the animals concerned and such notice shall specify the reasons for such action.

(2) A notice referred to in paragraph (1) may, in particular, require the person in charge of the animals or the means of transport of the animals, as the case may be, to:

(a) complete the journey or return the animals to their place of departure by a route which in the opinion of the authorised officer is the most direct or prudent;

(b) place the animals in such accommodation or type of accommodation as the authorised officer may specify in the notice, under such conditions as may be specified in the notice by the authorised officer;

(c) arrange for the humane slaughter of the animals and in such cases, the authorised officer may indicate in the notice the means of disposal of the carcasses of such animals.

(3) A requirement contained in a notice may specify a time limit within which it is to be complied with.

(4) A requirement specified in a notice served under paragraph (1) (in this paragraph referred to as "the earlier notice") may be modified or withdrawn in a further such notice and in that event the earlier notice shall have effect subject to such modification or withdrawal.

(5) A notice may require the person in control of the animals or the means of transport of the animals, as the case may be, to choose between two or more of the requirements specified in the notice.

(6) A notice referred to in paragraph (1) may be served on a person by delivery of it by hand, or by sending it by prepaid registered post to or by leaving it at the last known place of abode or business of that person.

(7) (a) A person may appeal within 5 days of the service of the notice under paragraph (1) to the Judge of the District Court having jurisdiction in the District Court District where such animals are situated or to the Judge of the District Court having jurisdiction in the District Court District where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any of the terms thereof are not justified

having regard to the provisions of this Order.

(b) An appeal made pursuant to subparagraph (a) may be heard at any sitting of the District Court within the appropriate District Court District.

(c) (i) Notice of an appeal made pursuant to subparagraph (a) shall be served on the Minister and the said notice shall be served at least 48 hours prior to the hearing of the appeal by serving it on the Minister or by leaving it at the place and in the manner specified in the notice issued under this Article; (ii) the notice of appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms thereof are not justified.

(d) A copy of the notice of appeal shall be lodged with the District Court Clerk in the manner specified in the notice issued pursuant to paragraph (1), at least 48 hours prior to the hearing of the appeal.

(8) On the hearing of an appeal under paragraph (7), a Judge of the District Court may, at his discretion, confirm, modify, or annul the notice served under paragraph (1).

(9) (a) No person including a person upon whom a notice has been served under paragraph (1), shall deal with the animals concerned other than in accordance with the terms of the notice.

(b) In the event of an appeal against the terms of a notice referred to in subparagraph (a), pursuant to paragraph (7), no person, including the person appealing, shall deal with the animals concerned pending the determination of the appeal other than in accordance with such direction as shall be given in writing to the appellant by an authorised officer.

(c) Where the terms of a notice referred to in subparagraph (a) are confirmed with or without modification by the Judge of the District Court hearing the appeal made under the said paragraph (7) no person, including the person who made the appeal, shall deal with the animals concerned other than in accordance with such notice as confirmed.

(10) (a) Where:

(i) the person in control of the animals or the means of transport, as the case may be, fails to comply with the terms of a notice served upon him under paragraph (1) within the time specified therein, or

(ii) an authorised officer has reasonable grounds for believing that the terms of a notice served under paragraph (1) will not be complied with, or

(iii) a notice served under paragraph (1) has been confirmed with or without modification under paragraph (8) and the notice has not been complied with, or

(iv) an authorised officer has reasonable grounds for believing that the terms of a notice served under paragraph (1) which has been confirmed with or without modification under paragraph (8) will not be complied with, or

(v) pending the determination of an appeal made pursuant to

subparagraph (a) of paragraph (7), an authorised officer has reasonable grounds for believing that directions given pursuant to paragraph (9) have not been or shall not be complied with, an authorised officer may at any time seize the animals concerned.

(b) where animals are seized in accordance with subparagraph (a), an authorised officer may

(i) sell, destroy or dispose of them or cause them to be sold, destroyed or be disposed of or,

(ii) take such other measures in relation to the animals concerned as the authorised officer considers appropriate in the circumstances of the case.

(c) Any profits arising out of the sale, destruction or disposal of the animals in accordance with subparagraph (b) shall be paid to the owner of such animals less any expenses incurred in connection with the seizure or the said sale, destruction or disposal.

(d) The powers of an authorised officer under subparagraph (b) may only be exercised where the notice referred to in paragraph (1) states that an appeal may be lodged against the service of the notice in accordance with paragraph (7).

(11) The costs of any measures taken under this Article shall, subject to the provisions of subparagraph (c) of paragraph (10), be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction from the person who was the owner of such animals at the time such measures were carried out.

REG 16

Rendering Assistance.

16. The person in charge of animals which are to be transported by sea, air, road or rail shall render such assistance as may be necessary to enable an authorised officer to examine an animal for the purposes of this Order, and shall comply with all reasonable requirements of the authorised officer in connection therewith, and with the provisions of a notice served under Article 14 or 15.

REG 17

Authorised Officers.

17. (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of this Order.

(2) An authorised officer, when exercising any power conferred on him by this Order, if so requested by any person affected, produce evidence in writing of his appointment as an authorised officer or an inspector.

(3) An authorised officer or a veterinary expert employed by or acting on the authority of the Commission of the European Communities accompanying an authorised officer may at all reasonable times enter any means of transport, premises or place for the purpose of carrying out inspections and supervision as required by

this Order and the Council Directive.

(4) An authorised officer may in respect of any means of transport, premises or place:

- (a) examine or inspect any animals or poultry that he may find,
- (b) take, without payment of compensation, such samples from animals or poultry, including samples of blood, urine, faeces, hair, saliva or of any article, substance or liquid at the means of transport, premises or place as he may reasonably require for the purposes of his functions under this Order and the Council Directive and carry out or have carried out on the samples such analyses, examinations, checks and inspections as he considers necessary or expedient for the purposes of such functions,
- (c) there or at any other place, carry out or have carried out such examinations, checks and inspections of the means of transport, premises or place and any other article, substance or liquid found there as he reasonably considers necessary or expedient for the purposes of such functions,
- (d) require any person at the means of transport, premises or place to give him such information and to produce to him such books, certificates, documents or other records within the power or procurement of the person as he may reasonably require for the purposes of such functions,
- (e) examine and take copies of, or extracts from, any such records as aforesaid,
- (f) subject to the provisions of Article 15, seize and detain anything found there which he reasonably believes to be evidence of an offence under the Act.

(5) A person shall not, in purported compliance with a requirement under subparagraph (d) of paragraph (4), give information to an authorised officer that he knows to be false or misleading in a material respect.

PART VII

MISCELLANEOUS PROVISIONS

REG 18

Revocation.

18. The Transit of Animals (General) Order, 1973 (S.I. No. 292 of 1973), the Transit of Animals Order, 1982 (S.I. No. 120 of 1982), the Transit of Animals Order, 1983 (S.I. No. 409 of 1983) and the Transit of Animals Order, 1991 (S.I. No. 338 of 1991) are hereby revoked.

REG 19

19 Export Inspection.

19. (1) Subject to the provisions of paragraph (2), animals to which this Order applies shall, before being loaded into the means of transport by which they are proposed to be exported from the State, be inspected by an inspector and, if the inspector is satisfied that the animals are fit for transport, he shall issue a certificate to that effect.

(2) This Article shall not apply to

- (i) animals, other than animals of the bovine or porcine species, being exported to Northern Ireland, or
- (ii) dogs, cats and rabbits being exported to the United Kingdom, the Channel Islands and the Isle of Man.

FIRST SCHEDULE

CHAPTER I

DOMESTIC SOLIPEDS AND DOMESTIC ANIMALS OF THE BOVINE, OVINE, CAPRINE AND PORCINE SPECIES

A. General Provisions

1. Pregnant animals likely to give birth during carriage or animals having given birth during the preceding 48 hours, and newborn animals in which the navel has not completely healed, shall not be considered fit for transportation.

2. (a) Animals shall be provided with adequate space to stand in their natural position and, when necessary, with partitions to protect the animals from motion of the means of transport. Unless special conditions for the protection of animals require otherwise, room to lie down shall be provided.

(b) The means of transport and containers shall be constructed and operated so as to protect animals against inclement weather and marked differences in climatic conditions. Ventilation and air space shall be in keeping with the conditions of transport and appropriate for the species of animals carried. Sufficient space should be provided inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals when they are in a naturally standing position without on any account hindering their natural movement.

(c) Means of transport and containers shall be soundly constructed and in a good state of repair, easy to clean, escape-proof and shall be so constructed and operated as to avoid injury and unnecessary suffering to animals and to ensure their safety during transport. Containers in which animals are transported

shall be marked with a symbol indicating the presence of live animals and a sign indicating the animals' upright position. They shall allow for the inspection and care of the animals and shall be stowed in a way which does not interfere with ventilation or impede access. During transport and handling, containers shall always be kept upright and shall not be exposed to severe jolts or shaking. The container shall be secured in a manner as to prevent displacement by the motion of the means of transport.

(d) During transport the animals shall receive water and appropriate food at the intervals laid down in the appropriate Chapters of this Schedule. These intervals, for the types of animals in Chapters IV and V, shall not exceed 24 hours unless an extension of this period of not more than two hours is required in specific cases in the animals' interest in view of the particular species being transported, the means of transport used, and the proximity of the place of unloading.

(e) Solipeds shall wear halters during transport. This provision need not apply to unbroken foals or to animals transported in individual boxes.

(f) When animals are tied, the ropes or other attachments used shall be strong enough not to break during normal transport conditions, and long enough to allow the animals, if necessary, to lie down and to eat and drink, and shall be designed in such a way as to eliminate any danger of strangulation or injury. Animals shall not be tied by the horns, or any nose rings.

(g) Solipeds shall be transported in individual stalls or boxes which are designed to protect the animals against jolts. However, such animals may also be transported in groups; in that case, care shall be taken to ensure that animals which are hostile to one another are not transported together or where they are transported together, that they have their hind hoofs unshod. In cases where solipeds are transported by sea and the intended sea journey exceeds twelve hours, individual stall arrangements shall be provided, where both feeding and watering requirements can be provided for at all times without removing any horse from the stalls.

(h) Solipeds shall not be transported in vehicles with more than one deck.

3. (a) When animals of different species travel in the same means of transport they shall be segregated according to species, except in the case of companion animals where separation would cause distress. Furthermore, special measures shall be taken to avoid adverse reactions which might result from the transport in the same consignment of animals naturally hostile to each other. When animals of different ages are carried in the same means of transport, adults and young animals shall be kept separate; this restriction shall not, however, apply to females travelling with their young which they suckle. Uncastrated adult males shall be kept separate from females. Adult breeding boars shall be separated from each other. This shall also apply to stallions. These provisions shall apply only insofar as the animals have not been raised in

compatible groups or are not accustomed to one another.

(b) In compartments in which animals are transported, goods shall not be loaded which could prejudice the welfare of the animals.

4. Suitable equipment for loading and unloading of animals 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, animals shall not be suspended by mechanical means, nor lifted or dragged by the head, horns, ears, legs, tail or fleece. In addition, the use of electrical prods should be avoided as far as possible.

5. The floor of the means of transport or container shall be sufficiently strong to bear the weight of the animals being transported; it shall be of non-slip design; if it has any spaces or perforations these shall be completely smooth to prevent injury to the animals. The floor shall be covered with sufficient litter to absorb droppings unless this can be dealt with in a different way presenting at least the same advantages or unless droppings are regularly removed.

6. In order to ensure the necessary care of the animals during transport, consignments of livestock shall be accompanied by an attendant, except in the following cases:

(a) where animals are transported in containers which are secured, adequately ventilated and, where necessary, containing enough food and water, in dispensers which cannot be tipped over, for a journey of twice the anticipated time;

(b) where the transporter performs the functions of attendant;

(c) where the consignor has appointed an agent to care for the animals at appropriate staging points.

7. (a) The attendant or consignor's agent shall look after the animals, feed and water them and, if necessary, milk them.

(b) Cows in milk shall be milked at intervals of about 12 hours but not exceeding 15 hours.

(c) To enable the attendant or such other person to provide this care, he shall, if necessary, have available a suitable means of lighting.

8. Animals shall be loaded only into means of transport or containers which have been thoroughly cleaned and where appropriate, disinfected. Dead animals, litter and droppings shall be removed as soon as possible.

B. Special Provisions for Transport by Rail

9. Any railway truck used in the transport of animals shall be marked with a symbol indicating the presence of live animals, unless the animals are being transported in containers. If no trucks specially adapted for transport of animals are obtainable, animals shall be carried in covered trucks which are capable of travelling at high speed and are provided with sufficiently large air vents or a ventilation system which is effective even at low speeds. The inside walls of the trucks shall be of wood or other suitable material, completely smooth and fitted with rings or bars, at a

suitable height, to which the animals may be attached if necessary.

10. Where they are not transported in individual boxes, solipeds shall be tied in such a way that they are all facing the same side of the vehicle or tied facing each other. However, foals and unbroken animals shall not be tied.

11. Large animals shall be loaded in such a way as to allow a person to move between them.

12. When, in accordance with paragraph 3 (a), the segregation of animals is required, this may be effected either by tying them in separate parts of the truck, if its space permits, or by means of suitable partitions.

13. When assembling trains and during all other movements of trucks every precaution shall be taken to avoid jolting of trucks containing animals.

C. Special Provisions for Transport by Road

14. Vehicles shall be escape-proof and so constructed as to ensure the safety of the animals and shall also be equipped with a roof which ensures effective protection against the weather.

15. Tying facilities shall be provided in vehicles used in the transport of large animals which are normally required to be tied. When vehicles are required to be sub-divided, the partitions shall be of rigid construction.

16. Vehicles shall carry suitable equipment complying with the requirements of paragraph 4. Any transporter granted an authorisation by the Minister in accordance with Article 12 shall ensure that any road vehicle used for the transport of animals is equipped with facilities to water the animals without the necessity of unloading such animals.

D. Special Provisions for Transport by Water

17. The fittings of vessels shall be such that animals can be transported without injury or unnecessary suffering.

18. Animals shall not be transported on open decks unless in adequately secured containers or other structures, approved by the Minister, and giving adequate protection against sea and weather.

19. Animals shall be tied or properly accommodated in pens or containers.

20. There shall be adequate passageways having access to all pens, containers or vehicles accommodating animals. Adequate lighting facilities shall be available.

21. A sufficient number of attendants shall be provided taking into account the number of animals transported and the duration of the voyage.

22. All parts of the vessel where animals are accommodated shall be provided with drainage and shall be kept in a sanitary condition.

23. Vessels used in the transport of animals shall be provided with a humane killing instrument, approved by the Minister, which should be used, if necessary, for slaughter. It shall be the duty of the owner or master of the vessel to ensure that—

(a) a suitable instrument for use for the purpose of humane slaughter is carried on board;

(b) such instrument is in proper working order, and a sufficient supply of ammunition for its use is available; and

(c) the attendant, or a member of the crew of the vessel, is competent in such use.

24. Vessels used in the transport of animals shall, before sailing, be provided with sufficient supplies of drinking water — where they are not equipped with a suitable system allowing its production — and appropriate foodstuffs, having regard to the species and number of animals being transported as well as to the duration of the voyage.

25. Provisions shall be made for isolating ill or injured animals during the voyage and for first-aid treatment to be given, when necessary.

26. (a) Where animals are transported in railway trucks on board ships, special care shall be taken to ensure that adequate ventilation is provided for the animals throughout the voyage. Paragraphs 17 to 19 shall not apply to the transport of animals loaded in railway trucks or road vehicles on board ferry boats or similar vessels.

(b) Where animals are transported in road vehicles on board ships, the following measures shall apply:

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

(ii) 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 ship's vehicle hold. There shall 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, without on any account hindering their natural movement;

(iii) direct access shall 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.

E. Special Provisions for Transport by Air

27. Animals shall be transported in containers, pens or stalls appropriate for the species, complying at least with the most recent IATA live animals regulations.

28. Precautions shall be taken to avoid extremely high or low temperatures on board, having regard to the species of animals. In addition, severe fluctuations of air pressure shall be avoided.

29. In freight aircraft the provisions of paragraph 23 shall apply mutatis mutandis for the slaughtering of animals, if necessary.

CHAPTER II

POULTRY, DOMESTIC BIRDS AND DOMESTIC RABBITS

30. (a) The following provisions of Chapter I shall apply mutatis mutandis to the transport of poultry, domestic birds and domestic rabbits: paragraphs 2 (a), (b) and (c), 3, 5, 6, 8, 9, 13, 17 to 22 inclusive, 24 and 26 to 28 inclusive.

(b) Vehicles shall be equipped in a manner that will ensure effective protection for the animals against the weather.

31. Suitable food and water shall be available in adequate quantities, save in the case of:

(i) a journey lasting less than 12 hours, disregarding loading and unloading time;

(ii) a journey lasting less than 24 hours for chicks of all species, provided that it is completed within 27 hours after hatching.

CHAPTER III

DOMESTIC DOGS AND DOMESTIC CATS

32. (a) Without prejudice to Article 3 (2) (a) (iii), the following provisions of Chapter I shall apply mutatis mutandis to the transport of domestic dogs and domestic cats: paragraph 1, paragraph 2 (a), (b) and (c), paragraphs 3, 5, 6, paragraph 7 (a) and (c), paragraphs 8, 9, 12, 13, 15 and 17 to 29 inclusive.

(b) Vehicles shall be equipped in a manner that will ensure effective protection for the animals against the weather.

33. Animals being transported shall be fed at intervals of not more than 24 hours and given water at intervals of not more than 12 hours. Females in oestrus shall be separated from males.

CHAPTER IV

OTHER MAMMALS AND BIRDS

34. (a) The provisions of this chapter shall apply to the transport of those mammals and birds which are not covered by the provisions of the preceding chapters.

(b) The following provisions of Chapter I shall apply mutatis mutandis to the transport of the species concerned in this Chapter: paragraph 1, paragraph 2 (a), (b) and (c), paragraphs 3, 4, 5, 6, paragraph 7 (a) and (c), paragraphs 8, 9 and 11 to 29 inclusive.

35. Without prejudice to Article 4 (3), only animals suitable for transport and in good health shall be transported. Animals obviously in advanced stages of pregnancy or animals that have recently given birth, as well as infant animals incapable of feeding themselves and which are not accompanied by the mother, shall not be considered fit for transport. These provisions may be exempted by an authorised officer in exceptional circumstances if it is necessary in the animals' interest for them to travel to a location where the appropriate treatment can be given.

36. Sedation shall not be administered unless in exceptional circumstances and then only under the direct supervision of a registered veterinary surgeon. Details of any sedation shall accompany

the animal to its destination.

37. Animals shall be transported only in suitably constructed means of transport, on which, if necessary, a notice shall be placed indicating that the animals in them are wild, timid or dangerous. Moreover, the person in charge of the animals shall ensure that clear written instructions about feeding and watering and any special care required shall accompany the animals. These instructions shall be made available to an authorised officer for inspection if such officer so requests.

Animals covered by the Cites shall be transported in accordance with the most recent provisions of the Cites 'guidelines for transport and preparation for shipment of live wild animals and plants'. In the case of air transport, they shall be transported at least in accordance with the most recent IATA rules governing the transport of live animals. They shall be conveyed to their destination as soon as possible.

38. Animals covered by this Chapter shall be cared for in accordance with the instructions and guidelines referred to in paragraph 37.

39. There shall be an appropriate period for the holding and conditioning of animals prior to shipment during which they shall, if necessary, be moved into their containers gradually.

40. Subject to the provisions of paragraph 3 (a) of Chapter I, animals of different species shall not be placed in the same container. Moreover, animals of the same species shall not be placed in the same container unless it is known that they are compatible with one another.

41. Cervine animals shall not be transported while in velvet.

42. Birds shall be kept in semi-darkness.

43. Marine mammals shall have the constant attention of a qualified attendant. Containers shall not be stacked.

44. (a) There shall be additional ventilation by means of holes of a suitable size in all walls of the container to ensure an adequate flow of air at all times. These holes shall be of a size which prevents the animals from coming into contact with persons handling the container or from injuring themselves.

(b) Spacer bars of adequate size shall be fitted to all walls, roofs and bases of containers to ensure that there is a free flow of air to the animals in the event of stacking or close storing of cargo.

45. Animals should not be housed near foodstuffs or in places to which unauthorised persons have access.

CHAPTER V

OTHER VERTEBRATE ANIMALS AND COLD-BLOODED ANIMALS

46. Other vertebrate animals and cold-blooded animals shall be transported in such containers, under such conditions, in particular with regard to space, ventilation, temperature and security, and with supply of water and oxygen appropriate for the species concerned. Animals which are covered by Cites shall be transported in accordance with the Cites 'guidelines for transport and preparation for shipment of live wild animals and plants'. In the case of air transport, they shall be transported at least in accordance with the most recent IATA rules governing the transport of live animals. They shall be conveyed to their destination as soon as possible.

CHAPTER VI

LOADING DENSITIES

A. General

47. (1) No person shall cause or permit domestic solipeds, bovine animals, sheep and goats, pigs or poultry to be transported in a means of transport unless, for the category or weight of animal set out in the first column of the appropriate Table for such animals, there is provided on such transport for the unimpeded use by such animals a floor area which is not less than the area prescribed opposite that category or weight of animal in the second column of that table.

B. Domestic Solipeds

(2) (a) Notwithstanding the requirements of subparagraph (1), during long journeys foals and young horses shall be provided with sufficient space so as to enable them to lie down.

(b) Subject to the provisions of subparagraph (3), where the transporter or person in charge of the animals considers it necessary, having regard to the weight and size of solipeds in a means of transport, their physical condition, the meteorological conditions and the likely journey time, he may in the case of transport by rail or road, vary the figures in the second column of the Tables for such animals by increasing or decreasing the floor area by ten per cent in the case of adult horses and ponies and by a maximum of twenty per cent in the case of young horses and foals.

(3) Where an authorised officer considers it necessary, having regard to the weight and size of solipeds in a means of transport, their physical condition, the meteorological conditions and the likely journey time, he may, in the case of transport by road, rail, air or sea, determine the area to be provided for such animals as he sees fit.

Transport by Rail or Road or in a Road Vehicle by Sea

TABLE

Category	M ² /Animal
Adult horses (6-24 months) (for journeys of up to 48 hours)	1.75 m ² (0.7 x 2.5 m)
Young horses (6-24 months) (for journeys over 48 hours)	1.2 m ² (0.6 x 2 m)
Ponies (under 144 cm)	1 m ² (0.6 x 1.8 m)
Foals (0-6 months)	1.4 m ² (1 x 1.4 m)

Transport by Air

TABLE

Live weight in kg	M ² /Animal
0-99 kg	0.42 m ²
100-199 kg	0.66 m ²
200-299 kg	0.87 m ²
300-399 kg	1.04 m ²
400-499 kg	1.19 m ²
500-599 kg	1.34 m ²
600-699 kg	1.51 m ²
700-799 kg	1.73 m ²

Transport by Sea

TABLE

Live weight in kg	M ² /Animal
200-299 kg	0.90-1.175
300-399 kg	1.175-1.45
400-499 kg	1.45-1.725
500-599 kg	1.725-2.06
600-700 kg	2.0-2.25

C. Bovine Animals

(4) (a) Notwithstanding the requirements of subparagraph (1), pregnant animals shall be allowed 10 per cent more space than that set down for that weight of animals in the relevant table.

(b) Subject to the provisions of subparagraph (5), the transporter or person in charge of the animals may vary the figures for the transport of bovine animals by road or rail or in a road vehicle by sea depending not only on the animals' weight and size but also on their physical condition, the meteorological conditions and the likely journey time.

(5) Where an authorised officer considers it necessary, having regard to the weight and size of bovine animals in a means of transport, their physical condition, the meteorological conditions and the likely journey time, he may, in the case of transport by rail, sea, air or road, determine the area to be provided for such animals as he sees fit.

Transport by Rail, Road or in a Road Vehicle by Sea

TABLE

Approximate Live Weight	Area in m ² (in kg) per animal
500-700 kg	0.3-0.41
700-1000 kg	0.4-0.72
1000-1500 kg	0.7-0.95
1500-2000 kg	0.95-1.30
2000-3000 kg	1.30-1.60
Greater than 3000 kg	Greater than 1.60

Transport by Air

TABLE

Live Weight	Area in m ² (in kg) per animal
500-700 kg	0.23
700-1000 kg	0.28
1000-1500 kg	0.30
1500-2000 kg	0.45
2000-3000 kg	0.50
Greater than 3000 kg	0.60

Transport by Sea

TABLE

Live weight in kg	M ² /Animal
200-299 kg	0.81-1.05
300-399 kg	1.05-1.30
400-499 kg	1.30-1.55
500-599 kg	1.55-1.80
600-700 kg	1.80-2.025

D. Sheep/Goats

(6) Subject to the provisions of subparagraph (7), the transporter or person in charge of the animals may vary the figures for the transport of sheep or goats by road or rail or in a road vehicle by sea depending not only on the animals' breed and size but also on their physical condition and the length of fleece of the animals, as well as the meteorological conditions and the likely journey time. As an indication: for small lambs an area of under 0.2 m² per animal may be provided.

(7) Where an authorised officer considers it necessary, having regard to the breed, weight and size of sheep or goats in a means of transport, their physical condition, the length of fleece of the animals, the meteorological conditions and the likely journey time, he may, in the case of transport by road, rail, sea or air, determine the area to be provided for such animals as he sees fit.

Transport by Air

TABLE

Average weightSurface area per sheep/goat(in kg)(in m²)

250.20500.30750.40
Transport by Rail or Road or in a Road Vehicle by Sea
TABLE

CategoryArea in m² per animalShorn sheep less than 55 kg0.20-0.30Shorn sheep greater than 55 kggreater than 0.3Unshorn sheep less than 55 kg0.30-0.40Unshorn sheep greater than 55 kggreater than 0.4Heavily pregnant ewes less than 55 kg0.40-0.50Heavily pregnant ewes greater than 55 kggreater than 0.5Goats of less than 35 kg0.20-0.30Goats of 35 to 55 kg0.30-0.40Goats of greater than 55 kggreater than 0.4Heavily pregnant goats of less than 55 kg0.40-0.50Heavily pregnant goats of greater than 55 kggreater than 0.5

Transport by Sea

TABLE

Live weight in kgm²

/Animal20-290.24-0.26530-390-265-0.29040-490.290-0.31550-590.315-0.3460-700.34-0.39

E. Pigs

(8) (a) Notwithstanding the requirements of subparagraph (1), during transport by sea, rail, road or in a road vehicle on board a vessel, the transporter or person in charge of the animals shall ensure that the pigs are able to lie down and stand up in their natural positions. In order to comply with these minimum requirements, the loading density for pigs of around 100 kg shall not exceed 235 kg/m .

(b) Subject to the provisions of subparagraphs (9) and (10), the transporter or person in charge of the animals may vary the figures for the transport of pigs by road or rail or in a road vehicle by sea depending not only on the animals' breed, size and physical condition may mean that the minimum required surface area given in

sub-subparagraph (a) of this subparagraph has to be increased; a maximum increase of twenty per cent may also be required depending on the meteorological conditions and the likely journey time.

(c) The transporter or person in charge of pigs to be transported by air shall ensure that the loading density should be high for such pigs to preclude injury on take-off or landing or in the event of turbulence and shall at least comply with the requirements of the relevant table and the animals shall still be able to lie down.

(9) Where an authorised officer considers it necessary, having regard to the breed, weight and size of a pig in a means of transport, its physical condition, he may, in the case of transport by road, rail or sea, determine the area to be provided for such animals as he sees fit.

(10) Where an authorised officer considers it necessary, having regard to the climatic conditions, total journey time and hour of arrival, he may, in the case of transport by air, determine the area to be provided for such animals as he sees fit.

Transport by Air

TABLE

Average weight	Surface area per pig	15 kg	0.13 m ²	25 kg	0.15 m ²	50 kg	0.35 m ²	100 kg	0.51 m ²
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Transport by Sea

TABLE

Live weight in kg

2	10 or less	0.20	200.28	450.37	700.60	1000.85	1400.95	1801.10	2701.50
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F. Poultry

(11) Subject to the provisions of subparagraph (12) the transporter or person in charge of the animals may vary the figures for the transport of poultry in containers depending not only on the weight and size of the birds but also on their physical condition, the meteorological conditions and the likely journey time.

(12) Where an authorised officer considers it necessary, having regard to the weight and size of the birds in a container in a means of transport, their physical condition, the meteorological conditions and the likely journey time, he may, determine the area to be provided for such animals, as he sees fit.

Densities applicable to the transport of poultry in containers

TABLE

Category	Space	Day-old chicks	21-25 cm ² per chick	Poultry weighing less than 1.6 kg	180 to 200 cm ² /kg	Poultry weighing greater than 1.6 kg but less than 3 kg	160 cm ² /kg	Poultry weighing greater than 3 kg but less than 5 kg	115 cm ² /kg	Poultry weighing greater than 5 kg	105 cm ² /kg
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CHAPTER VII

WATERING, FEEDING AND RESTING INTERVALS

48. For the purposes of this Chapter, journey times will be deemed to commence from the time the animals are loaded into the means of transport. Subject to the provisions of Article 10, the transporter or person in charge, as the case may be, shall ensure that the transport of animals, of the species referred to in Article 3 (1) (a), by road in a road vehicle, complies with the following requirements:

(1) Unweaned calves, lambs and kids which are fed on milk, as well as unweaned piglets:

(a) shall, after a maximum of 8 hours of transport, be given a 2 hour rest period during which they shall be watered. After this rest period transport may continue for a maximum of 7 hours.

(b) at the end of such transport, shall be unloaded and given a milk feed adapted to their physiological needs.

Transport may recommence 12 hours after unloading. It shall operate according to the same plan referred to in sub-sub-paragraph (a) of this subparagraph.

(2) Bovine animals, sheep and goats other than those referred to in subparagraph (1), and domestic solipeds (excluding registered equidae):

(a) shall, after every 8 hours of transport at the maximum, be given a 2 hour rest period during which they shall be watered, up to a limit of 24 hours of transport;

(b) at the end of such transport, shall be unloaded, watered and fed.

Transport may recommence 12 hours after unloading. It shall operate according to the same plan as referred to in sub-sub-paragraph (a) of this subparagraph.

(3) Pigs shall, without being unloaded, be watered during a stop every 8 hours up to a limit of 24 hours of transport.

(4) Where transport of pigs by road is carried out by a means of transport that is equipped with automatic feeding, watering and mechanical ventilation facilities and where this form of vehicle has been approved for such transport by the Minister, the pigs may continue the journey provided for in subparagraph (3) for a second and final period of 24 hours after a rest period of 2 hours. In such cases, watering stops will not be required.

(5) In the case of transport by sea in a road vehicle connecting two geographical points in the Community, a rest period of 12 hours shall be provided after the animals are unloaded at or near the port of destination, unless the period of sea transport forms part of the general plan set out in subparagraphs (1) to (3). In any event, animals shall be watered as provided for in subparagraphs (1) to (3).

(6) The transport periods provided for in subparagraphs (1), (2), (3) and (4) may be extended by two hours in the interests of the animals, taking account in particular of proximity to the point of

destination.

(7) An authorised officer may require the person in charge of any animals intended for transport, where the journey time is likely to exceed 8 hours, to ensure that those animals undergo at least a 12 hour resting period during which such animals are fed and watered prior to the commencement of that journey. Failure to comply with this provision may result in the refusal by an inspector to stamp and sign, in accordance with Article 10 (1) (f), the route plan accompanying such animals.

SECOND SCHEDULE

ROUTE PLAN

Part A

To be completed by Transporter before departure
Transporter (Name, address, business name)
Means of Transport
Vehicle Registration number
Authorisation Number
Tel:
Fax:
Animal species and category
Proposed Itinerary— Staging and/or Transfer Points
Place and Address
Date
Time of Arrival
Time of Departure
Length of stop
Number of Animals
a) b) Place of Departure
c) d) Place of Arrival
e) f) Estimated Journey Time
g) h) To be completed by Veterinary Inspector
Serial Number(s) of Health Certificate(s)
OFFICIAL STAMP

1. at place of departure
Vehicle/Trailer Approved Number
Signature and Name in Block Capitals
2. at place of exit from EU
Date
Time of Departure

Part B

To be completed by the Person in Charge of the Means of Transport
Actual Itinerary — Staging and/or Transfer Points
Place and Address
Date
Time of Arr.
Time of Dep.
Length of Stop
Food supplied (Yes/No)
Water supplied (Yes/No)
Signature of Lairage Operator, where appropriate
a) b) c) d) e) f) g) h) Reason for any difference between actual and proposed itinerary
Date and Time of Arrival
Number of animal deaths during journey
Reason for deaths
Actual Journey Time (Hours)

Number of animals injured during journey
Type of and reasons for injuries
Signature and Name (in Capital Letters) of Person in Charge of Vehicle

DVO of Issue Received in DVO by
Date of Receipt in DVO
GIVEN under my Official Seal, this 26th day of April, 1995.

IVAN YATES,
Minister for Agriculture, Food and Forestry.

EXPLANATORY NOTE.

This Order lays down standards for the protection of animals during transport and gives effect to Council Directive No. 91/628/EEC of 19 November 1991. The Order makes general provisions for the welfare of animals, including rest periods and stipulations for feeding and watering, during transport by road, rail, sea or air and requires that the persons who are entrusted to transport animals possess the necessary knowledge to care for these animals.