

S.I. No. 267 of 2006

**European Communities (Protection of Animals During Transport)
Regulations 2006**

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EUROPEAN COMMUNITIES
(PROTECTION OF ANIMALS DURING TRANSPORT)
REGULATIONS 2006

Statutory Instrument No. 267 of 2006

I, MARY COUGHLAN, Minister for Agriculture and Food in exercise of the powers conferred on me by section 3 of the European Communities Act (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 91/628/EEC¹ of 19 November 1991, as amended by Council Decision No. 92/438/EEC² of 13 July 1992 and Commission Decision No. 94/96/EC³ of 3 February 1994, Council Directive No. 95/29/EC⁴ of 29 June 1995, Council Directive No. 97/12/EC⁵ of 17 March 1997 in so far as it relates to the transport of live animals and swine, and Council Regulation 1255/97/EC⁶ of 25 June 1997 as amended by Council Regulation (EC) No. 1040/2003⁷ of 11 June 2003 and Commission Decision 2003/483/EC⁸ of 30 June 2003 hereby make the following regulations —

Citation

1. These Regulations may be cited as the European Communities (Protection of Animals During Transport) Regulations 2006.

Interpretations

2. (1) In these Regulations—

“airport” means a place in the State where an animal is loaded into or unloaded out of an aircraft, or where an aircraft calls while transporting an animal;

“approved disinfectant” means a disinfectant which for the time being stands approved by the Minister in accordance with the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975) as amended by the Diseases of Animals (Disinfectants) Order, 1975 (Amendment) Order, 1978 (S.I. No. 345 of 1978);

“assembly centre” has the meaning assigned to it by the European Communities (Assembly Centres) Regulations, 2000 (S.I. No. 257 of 2000);

“attendant” includes the driver of a road vehicle, the guard of a train, and a member of a crew of any vessel or aircraft or a person accompanying an animal;

“authorised officer” means —

¹ O.J. No. L340 of 11.12.1991, P.17.

² O.J. No. L243 of 25.08.1992, P.27.

³ O.J. No. L50 of 22.02.1994, P.13.

⁴ O.J. No. L148 of 30.06.1996, P.52

⁵ O.J. No. L109 of 25.04.1997, P.1

⁶ O.J. No. L174 of 02.07.1997, P.1

⁷ O.J. No. L151 of 19.06.2003, P.21.

⁸ O.J. No. L162 of 01.07.2003, P.72.

- (a) an authorised officer within the meaning of Section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) a member of an Garda Síochána,
- (c) an officer of Customs and Excise, or
- (d) a person appointed under Regulation 17.

“captain”, in relation to transport by air, means the pilot of an aircraft and, in the case of transport by sea, the master of a vessel;

“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 an animal which is not an integral part of a means of transport;

“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, Commission Decision No. 94/96/EEC of 3 February 1994 and Council Directive No. 95/29/EC of 29 June 1995, Council Directive 97/12/EC of 17 March 1997 in so far as it relates to the transport of bovine animals and swine, and Council Regulation (EC) No. 1255/97 of 25 June 1997 as amended by Council Regulation (EC) No. 1040/2003 of 11 June 2003 and Commission Decision 2003/483/EC of 30 June 2003;

“health certificate” means a certificate issued and signed by an inspector as required by Council Directives No. 64/432/EEC of 26 June 1964⁹, 90/426/EEC of 26 June 1990¹⁰, 91/68/EEC of 28 January 1991¹¹ or 92/65/EEC of 13 July 1992¹² 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;

“journey” means transport from place of departure to place of destination;

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

“means of transport” means those parts of a road vehicle, rail vehicle, vessel and aircraft used for loading and carrying an animal, as well as containers for land, sea or air transport;

“Minister” means the Minister for Agriculture and Food;

⁹ O.J. No. P121 of 29.7.1964, p. 1977.

¹⁰ O.J. No. L224 of 18.8.1990, p. 42

¹¹ O.J. No. L46 of 19.2.1991, p. 19

¹² O.J. No. L268 of 14.9.1992, p. 54.

“place of departure” means the place at which the animal is first loaded into a means of transport, or any place where an animal has been unloaded and accommodated for 24 hours, watered, fed and, if necessary, cared for, but excluding a staging or transfer point;

“place of destination” means the place at which an animal is finally unloaded from a means of transport, but excluding a staging point or transfer point;

“port” means a place in the State where an animal is loaded into or unloaded out of a vessel, or where a vessel calls while transporting an animal;

“premises” includes land, with or without buildings;

“a registered veterinary surgeon” means a person currently registered in the register established under the Veterinary Practice Act 2005 (No. 22 of 2005);

“rest period” means a continuous period in the course of a journey during which an animal is not being moved by a means of transport;

“route plan” means the document set out in Schedule 2;

“staging point” means a place where the journey is interrupted to rest, feed or water an animal;

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

“transfer point” means a place where transport is interrupted to transfer an animal from one means of transport to another;

“transport” means a movement of an animal, effected by a means of transport, which involves the loading and unloading of an animal;

“transporter” means a person including an attendant, transporting an animal—

- (a) on his or her own account,
- (b) for another person, or
- (c) by providing another person with a means of transport for an animal,

where the transport is of a commercial nature and is carried out for the purpose of a gain, financial or otherwise.

“vessel” includes hovercraft.

(2) A word or expression that is used in the Council Directive and that is also used in these Regulations has, the same meaning as it has in the Council Directive.

(3) In these Regulations—

- (a) a reference to a Chapter or Regulation is to a Chapter or Regulation of

these Regulations, unless it is indicated that reference to some other provision is intended,

- (b) a reference to a Schedule is to a Schedule in these Regulations,
- (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.

General Provisions and Exemptions

3. (1) Subject to paragraph (2), these Regulations shall apply to the transport of the following species of animals–
- (a) domestic soliped and domestic animal of the bovine, ovine, caprine and porcine species,
 - (b) poultry and domestic birds,
 - (c) domestic cat and domestic dog,
 - (d) any other mammal or bird, and
 - (e) any other vertebrate animal or cold-blooded animal.
- (2) These Regulations, other than Regulations 4, 6, 7, 14, 15, 16 and Chapter I of Schedule 1, do not apply to –
- (a) a transport which is not of a commercial nature,
 - (b) the transport of a single animal accompanied by a person who has responsibility for the animal during transport,
 - (c) the transport of a pet animal which is accompanied by its owner, or
 - (d) the transport of an animal up to a maximum distance of 50 kilometres from the place of origin to the place of destination.
- (3) Nothing in these Regulations purports to create a criminal jurisdiction in relation to an action committed wholly outside the criminal jurisdiction of the State.
- (4) Notwithstanding paragraph (3), if, whether within or outside the criminal jurisdiction of the State, a person fails to comply with these Regulations the Minister may have regard to failure in relation to the granting, suspension or revocation of the Registration or Authorisation of a person under Regulations 11 and 12. However, where a person would, in complying with these Regulations, contravene the criminal legislation of the State in which the failure occurred (proof of which shall lie on him or her), this paragraph does not apply.

General Conditions

4. (1) A person shall not transport an animal by sea, air, road or rail, or cause or permit an animal to be transported, in a way as is likely to cause injury or unnecessary suffering to the animal.
- (2) A person shall not cause or permit the transport of an animal unless it is fit for the intended journey and unless suitable provision is made for its care during the journey and on arrival at the place of destination.
- (3) A person shall not cause or permit the transport of an animal that is unfit by reason of it being newborn, aged, diseased, infirmed, ill, injured or fatigued or that it has given birth within the preceding 48 hours or is likely to give birth during transport.

However, this provision shall not apply to –

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

Requirements to Identify, Register and Authorise

5. A transporter shall not transport an animal by sea, air, road or rail unless –
 - (a) the animal is identified throughout the journey in accordance with Regulation 9,
 - (b) the transporter is registered by the Minister in accordance with Regulation 11,
 - (c) in the case of the transport of an animal beyond the territory of the State, the transporter is authorised to transport the animal in accordance with Regulation 12.

Loading and Unloading an Animal

6. (1) Without prejudice to the generality of Part II, it is the duty of the person in charge of an animal being transported to ensure that these Regulations are applied to the animal in a manner appropriate to its species.
- (2) (a) A person shall not load an animal into a means of transport, or cause or permit an animal to be loaded, in a way as is likely to cause injury or unnecessary suffering to the animal.

- (b) A person shall not unload an animal out of a means of transport, or cause or permit an animal to be unloaded, in a way as is likely to cause injury or unnecessary suffering to the animal.
- (3) Without prejudice to paragraphs (1) and (2), a person has a duty to ensure that an animal is loaded into, unloaded out of or transported in a means of transport in a manner that will not cause injury or unnecessary suffering by reason of –
- (a) inadequately constructed or insecure fittings in the part of the means of transport in which the animal is to be or is being transported or from which it is being unloaded,
 - (b) 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,
 - (c) undue exposure to the action of the weather or the sea,
 - (d) an inadequate supply of fresh air, whether the means of transport is stationary or in motion,
 - (e) in the case of transport by air, exposure to undue fluctuations in temperature, humidity or air pressure, or from undue exposure to noises, or
 - (f) any other matter or thing.
- (4) Paragraph (3) in relation to an animal being loaded shall extend to a period during which the animal is waiting to be loaded and, in relation to an animal being unloaded, shall extend to a period during which the animal is waiting to be unloaded.
- (5) A person shall not load an animal or cause an animal to be loaded into a means of transport unless the area where the animal is confined has been thoroughly cleaned and disinfected.
- (6) In relation to transport by sea or air, these Regulations apply to an animal being transported on a vessel or aircraft to or from a port or airport in the State whether or not the animal is loaded or unloaded at a port or airport. An animal shall be loaded and unloaded only at a port or airport which has suitable facilities for the care of the animal, including, if appropriate, facilities for feeding, watering and resting of the animal.
- (7) An animal shall not be transported by sea or air if, in the judgement of the master or, 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 to the animal.

Feeding and Watering Intervals

7. A person who transports an animal in a means of transport by sea, air, road or rail shall ensure that –
- (a) the animal is adequately fed and watered and, if necessary, milked at suitable intervals, including any period during which the animal is waiting to be loaded or unloaded,
 - (b) adequate supplies of food and water appropriate to the species of animal being transported are available in the means of transport,
 - (c) an attendant is available while the animal is being transported who shall be responsible for carrying out feeding, watering and milking, as required in Chapter I of Schedule 1, and
 - (d) suitable access to the animal is readily available for the purpose of feeding and watering and otherwise attending to the animal as required by these Regulations and adequate lighting is available for the proper tending of the animal.

Other Conditions

8. (1) Subject to paragraph (2), a transporter, captain of a vessel or aircraft or person in charge of a means of transport shall ensure that –
- (a) the transport of an animal is carried out in accordance with these Regulations and, in particular, in accordance with Chapter I of Schedule 1 and that these Regulations and the relevant Chapter of Schedule 1 is applied to the animal in the manner appropriate to its species,
 - (b) an animal that falls ill or is injured during transport shall receive first aid treatment as soon as possible,
 - (c) if appropriate, the animal receives veterinary treatment and, if necessary, undergoes emergency slaughter in a way that does not cause the animal unnecessary suffering,
 - (d) the means of transport is not overcrowded and the animal being transported is accommodated in such a way as to avoid any risk of injury or unnecessary suffering,
 - (e) the loading density for an animal shall at least comply with the requirements laid down in Chapter VI of Schedule 1, in respect of the animal and the means of transport referred to in that Chapter,
 - (f) travelling times, rest periods and feeding and watering intervals for the animal of the species referred to in Regulation 3 (1) (a) shall at least comply with the requirements laid down in Chapter VII of Schedule 1.

- (2) Paragraph (1), does not apply, to the transport of an animal for emergency veterinary treatment or slaughter if the person in charge of the means of transport ensures that transport is carried out so as to avoid unnecessary suffering or ill treatment to the animal.

Identification of Animals

9. (1) A transporter shall ensure that the animal is identified throughout the journey. The transporter shall ensure that a document accompanies the animal during its journey stating –

- (a) the place of origin and owner of the animal,
- (b) the place of departure and place of destination,
- (c) the date and time of departure, and
- (d) a full description of the animal 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.

- (2) Without prejudice to paragraph (1) an animal being transported shall be identified in accordance with Community or national legislation appropriate to its species.

Duties of the Transporter

10.(1) A transporter shall ensure that he or she –

- (a) is –
 - (i) registered for the time being by the Minister to transport an animal in accordance with Regulation 11,
 - (ii) in the case of the transport of an animal beyond the territory of the State, authorised for the time being by the Minister in accordance with Regulation 12,
- (b) does not transport an animal, or cause an animal to be transported, in a way which is likely to cause injury or undue suffering to the animal,
- (c) uses, for the transport of an animal referred to in these Regulations, a means of transport that is –
 - (i) in compliance with these Regulations and in particular the requirements laid down in Schedule 1,

- (ii) constructed in such a way as to ensure that faeces, litter or feed cannot leak or fall out of the vehicle, and
 - (iii) cleaned and disinfected immediately after every animal transport operation and, if necessary, before any new loading of an animal, using an approved disinfectant to remove any product which could affect animal health;
- (d)
 - (i) has appropriate cleaning and disinfection facilities for the animal including facilities for storing litter and dung, approved by the Minister, or
 - (ii) provides documentary evidence that cleaning and disinfection operations are performed by a third party approved by the Minister,
- (e) for each vehicle used for the transport of an animal, keeps a register containing at least the following information which shall be retained for a minimum period of 3 years –
 - (i) place and date of pick-up, and the name or business name and address of the holding or assembly centre where the animal is picked up,
 - (ii) place and date of delivery, and the name or business name and address of the consignee,
 - (iii) species and number of animals carried,
 - (iv) date and place of disinfection,
 - (v) details of accompanying documentation including serial number.
- (f) ensures that a consignment of animals does not, at any time, between leaving the holding or an assembly centre and arriving at its destination, come into contact with an animal of a lower health status,
- (g) entrusts the transport of an animal to staff who have received appropriate training or who have the equivalent practical experience as required in Regulation 12(4)(b),
- (h) for an animal referred to in Regulation 3(1)(a), where the journey time is likely to exceed 8 hours, completes Part A of the route plan set out in Schedule 2 which shall accompany the animal indicating any staging and transfer points during the whole period of the journey,
- (i) submits to an inspector the route plan referred to in subparagraph (h), not less than 24 hours prior to the proposed first time of departure of the animal indicated in that route plan, on which must be indicated the

number or numbers of the health certificates if any and the authorisation number allocated to him or her in accordance with Regulation 12 and which shall then be stamped and signed by an inspector where the inspector is satisfied that the route plan complies with these Regulations,

- (j) arranges –
 - (i) for the correct drawing up of the route plan referred to in subparagraph (h) and attaches it to the health certificate or certificates, if any, accompanying the animal throughout the journey,
 - (ii) that the staff in charge of the means of transport –
 - (I) state in the route plan the time and place at which the animal transported has been fed and watered and ensures that all other requirements of Part B of the route plan are completed during the journey,
 - (II) return the completed Part B of the route plan to the Minister within 10 days of the date indicated on Part A of the route plan as the proposed date of arrival of the animal at its place of destination.
- (k) keeps a copy of the route plan for the period of at least 3 years 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 an authorised officer,
- (l) 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 or her control,
- (m) arranges, subject to the provisions of Chapter VII of Schedule 1, for the animal to be transported without delay to its place of destination,
- (n) ensures, without prejudice to Chapter III of Schedule 1, that an animal of a species not referred to in Chapter VII of Schedule 1 is suitably fed and watered at appropriate intervals during transport,
- (o) notifies the Minister in writing of any deaths of or serious injuries to an animal being transported during the journey and the reason for the death or serious injury, within a maximum of 10 days following the date indicated on Part A as the proposed date of arrival of the animal at its place of destination;
- (p) furnishes a written undertaking in relation to the transport of an animal to the Minister stating that –

- (i) all the measures necessary to comply with these Regulations and the Council Directive shall be taken, and
 - (ii) the transport of an animal is or shall be, entrusted to staff who possess the necessary ability, professional competence and knowledge.
- (2) The costs of meeting an animals' feeding, watering and rest requirements shall be borne by the transporter.

Registration

11. (1) A person shall not transport an animal unless-

- (a) he or she, and
 - (b) the means of transport,

is entered in the register maintained by the Minister ("Animal Transport Register") and he or she operates the means of transport in accordance with the conditions attached to the registration.
- (2) An application for registration in the register shall be made in such form as the Minister may specify.
- (3) The Minister shall make a separate entry in the Animal Transport Register in respect of each animal transport vehicle owned or operated by a person.
- (4) A person applying for registration in the register shall furnish the Minister with such information as he or she may reasonably require for the purposes of his or her functions under these Regulations.
- (5) 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.
- (6) 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 or she was so authorised by the Minister, be evidence, unless the contrary is shown, of the matters stated in the certificate.
- (7) The Minister may, if he or she is satisfied that this Regulation is not being complied with by a person registered in the register or will not be complied with by an applicant for 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 or she shall —

- (a) notify the person concerned in writing of the proposal and of the reasons therefore,
 - (b) notify the person in writing that he or she, or a person acting on his or her behalf, may make representations to the Minister in relation to the proposal within 14 days of the issue by him or her 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 an animal 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 an animal subsequent to the date of revocation or suspension, except with the approval of the Minister.
- (11) The Minister may restore a registration, if the registration has been suspended in accordance with paragraph (6), where —
- (a) the transporter demonstrates to the satisfaction of the Minister that he or she will comply with the requirements of these Regulations, and
 - (b) checks carried out by an authorised officer confirm the safety of the means of transport of the animal is in accordance with these Regulations.
- (12) The Minister may where he or she 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 Regulation.

Authorisation

12. (1) The Minister shall authorise a person to transport an animal beyond the territory of the State in accordance with this Regulation.
- (2) An application for authorisation shall be made in a form as the Minister may specify.
- (3) A person applying for authorisation shall furnish the Minister with information as he or she may reasonably require for the purposes of his or her functions under these Regulations.
- (4) A person shall not be authorised by the Minister to transport an animal beyond the territory of the State unless he or she has given an undertaking in writing to the Minister that —

- (a) the transport shall be carried out in compliance with these Regulations,
 - (b) the staff referred to in Regulation 10 (1) (g) have received appropriate training or have equivalent practical experience qualifying them to handle and transport an animal and to administer, if necessary and without prejudice to paragraph 6 of Chapter 1.A of Schedule 1, appropriate care to the animal transported;
- (5) When the Minister authorises, a transporter in accordance with this Regulation, he or she 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 or she considers necessary for the protection of an animal during transport, to an authorisation under this Regulation, 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 Regulation 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 or she is satisfied that the relevant provisions of these Regulations 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 the refusal. Any infringement of these Regulations, within the jurisdiction of the State or not, may result in the suspension or withdrawal of an authorisation granted by the Minister under this Regulation.
- (9) Where the Minister proposes to revoke or suspend an authorisation, or to refuse to authorise a person, he or she shall—
- (a) notify the person concerned in writing of the proposal and of the reasons therefore,
 - (b) notify the person in writing that he or she, 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 or her of the notification, and
 - (c) consider any 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 an animal 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 an animal subsequent to the date of revocation or suspension, 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), where —
- (a) the transporter demonstrates to the satisfaction of the Minister that he or she will comply with the requirements of these Regulations, and
 - (b) checks carried out by an authorised officer confirm the safety of the means of transport of the animal in accordance with these Regulations.
- (13) The Minister may where he or she 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 Regulation.

Imports from Third Countries

13. (1) A person shall not import from outside the European Communities into the State, either for importation into the State or transit through the State, an 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 these Regulations and has made arrangements to comply with them,
 - (b) submits a route plan drawn up in accordance with Regulation 10 (1).
- (2) If an authorised officer establishes that the requirements laid down in these Regulations for the feeding and watering of an animal, imported into the State under this Regulation, have not been complied with, the authorised officer may take the measures provided for in Regulation 15 to protect the welfare of the animal. The authorised officer 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 the authorised officer to be for the time being in charge of the animal. All expenses incurred in carrying out the terms of the notice shall be met by the person on whom the notice is served.

Protection of Animal Welfare prior to Transport

14. If an authorised officer has reason to believe that an animal loaded or intended to be loaded into a means of transport is likely, to be caused injury or unnecessary suffering if transported therein or because the transport would contravene these Regulations, he or she 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 the officer to be in charge of the animal—

- (a) require the animal, 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,
- (b) prohibit for a period as may be specified in the notice such transport or, the further transport of the animal,
- (c) prohibit the transport or, the further transport of the animal unless the conditions specified in the notice are complied with.

Protection of Animal Welfare during Transport

15. (1) If it is found, by an authorised officer, that in the course of transport these Regulations 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, serve on the person in charge of the animal or the means of transport of the animal. The notice will require him or her, to take action as the authorised officer considers necessary in order to safeguard the welfare of the animal concerned and the notice shall specify the reasons for the action.
- (2) A notice referred to in paragraph (1) may, in particular, require the person in charge of the animal or the means of transport of the animal, to –
- (a) complete the journey or return the animal to its place of departure by a route which in the opinion of the authorised officer is the most direct or prudent,
 - (b) place the animal in accommodation or a type of accommodation the authorised officer may specify in the notice, under conditions as may be specified in the notice by the authorised officer;
 - (c) arrange for the humane slaughter of the animal and in such cases, the authorised officer may indicate in the notice the means of disposal of the carcase of an animal.
- (3) A requirement contained in a notice may specify a time limit within which 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 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 animal or the means of transport of the animal, 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 the animal is 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 these Regulations.
- (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 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 these Regulations,
- (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) A person including a person upon whom a notice has been served under paragraph (1), shall not deal with the animal 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), a person, including the person appealing, shall not deal with the animal 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) a person, including the person who made the appeal, shall not deal with the animal concerned other than in accordance with the notice as confirmed.

(10)(a) If –

- (i) the person in control of the animal or the means of transport, fails to comply with the terms of a notice served upon him or her under paragraph (1) within the time specified therein,
 - (ii) an authorised officer has reasonable grounds for believing that the terms of a notice served under paragraph (1) will not be complied with,
 - (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,
 - (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,
 - (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 animal concerned.
- (b) if an animal is seized in accordance with subparagraph (a), an authorised officer may
- (i) sell, destroy or dispose of it or cause the animal to be sold, destroyed or be disposed of, or
 - (ii) take other measures in relation to the animal 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 an animal in accordance with subparagraph (b) shall be paid to the owner of the animal less any expenses incurred in connection with the seizure or the 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 Regulation 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 the animal at the time such measures were carried out.

Providing Assistance

16. The person in charge of an animal to be transported by sea, air, road or rail shall provide assistance as may be necessary to enable an authorised officer to examine the animal, and shall comply with all reasonable requirements of the authorised officer in connection therewith, and with a notice served under Regulations 14 or 15.

Appointment of an Authorised Officer

17. (1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.
 - (2) An authorised officer, when exercising any power conferred on him or her by these Regulations, if so requested by any person affected, produce evidence in writing of his or her appointment as an authorised officer or an inspector.
 - (3) A member of the Garda Síochána, or an officer of Customs and Excise, not in uniform, when exercising any power, shall, if so requested by a person affected, produce evidence in writing that he or she is a member or officer.
 - (4) 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 these Regulations and the Council Directive.

Powers of an Authorised Officer

18. (1) An authorised officer or a person employed by or acting on the authority of the Commission of the European Communities accompanied by an authorised officer, if the authorised officer has reasonable cause to suspect that an offence is being or has been committed under these Regulations,
 - (a) the authorised officer may enter the premises and he or she may –
 - (i) search the premises,
 - (ii) stop a person, vehicle, vessel or container,
 - (iii) board and search a vehicle, vessel or container,
 - (iv) examine or inspect an animal or poultry that he or she may find,
 - (v) take, without payment of compensation, samples from an animal 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 or she may reasonably require for the purposes of his functions under these Regulations and carry out or have carried out on the samples such analyses, examinations, checks and inspections as he or she considers necessary or expedient for the purposes of such functions,

- (vi) seize and detain (for so long as is necessary) any animal, means of transport or container,
 - (vii) require the production of a document or thing relating to the animal, vehicle or container,
 - (viii) retain a document or thing (for so long as is necessary),
 - (ix) dispose of or require the owner or person in charge of or in possession of the animal to dispose of it in a manner that the authorised officer sees fit,
 - (x) give a direction to, or request information of, a person regarding an animal or a vehicle or a premises as he or she considers necessary,
 - (xi) require the name and address of a person and the name and address of any other relevant person to whom the animal is being delivered to or who is causing it to be delivered.
- (b) 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 or she reasonably considers necessary or expedient for the purposes of such functions,
- (c) require any person at the means of transport, premises or place to give him or her such information and to produce to him or her such books, certificates, documents or other records within the power or procurement of the person as he or she may reasonably require for the purposes of such functions,
- (d) examine and take copies of, or extracts from, any records,
- (e) subject to the provisions of Regulation 15, seize and detain anything found there which he or she reasonably believes to be evidence of an offence under these Regulations.
- (2) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.
- (3) An authorised officer, when exercising a power under this Regulation may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

- (4) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (5) Without prejudice to the generality of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting, restricting or otherwise the movement of an animal, as may be specified by the authorised officer.
- (6) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.
- (7) A person shall not, in purported compliance with a requirement under subparagraph (c) of paragraph (1), give information to an authorised officer that he or she knows to be false or misleading in a material respect.
- (8) A person shall not obstruct or impede an authorised officer, member of the Garda Síochána or officer of Customs and Excise in the due exercise of any of the functions of the officer or member under these Regulations.

Offences

19. (1) A person who contravenes Regulations 4, 5, 6, 7, 8, 9, 10, 11, 12 or 13 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5000 or to imprisonment for a term not exceeding 6 months or to both.
- (2) An offence under these Regulations may be prosecuted by the Minister.
- (3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (4) If the affairs of a body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

Revocation

20. (1) The following are revoked –

- (a) Diseases of Animals (Protection of Animals During Transport) Order 1995 (S.I. No. 98 of 1995),
- (b) Diseases of Animals (Protection of Animals During Transport) (Amendment) Order 1997 (S.I. No. 326 of 1997),
- (c) Diseases of Animals (Protection of Animals During Transport)(Amendment) Order 2001 (S.I. 215 of 2001), and
- (d) Diseases of Animals (Protection of Animals During Transport)(Amendment) Order 2003 (S.I. No. 465 of 2003)

(2) A notice served under an Order revoked by paragraph (1) that is in force immediately before the making of these Regulations continues in force and may be dealt with as if served under these Regulations.

Export Inspection

21. (1) Subject to paragraph (2), an animal to which these Regulations applies may, before being loaded into the means of transport by which it is exported from the State, be required to be inspected by an authorised officer. If the authorised officer is satisfied that the animal is fit for transport, he or she may issue a certificate to that effect.

(2) This Regulation shall not apply to –

- (a) an animal, other than an animal of the bovine, ovine, caprine or porcine species, being exported to Northern Ireland, or
- (b) a dog, cat or rabbit being exported to the United Kingdom, the Channel Islands or the Isle of Man.

SCHEDULE 1

CHAPTER I

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

A. General Provisions

1. A pregnant animal likely to give birth during carriage or an animal having given birth during the preceding 48 hours, and a newborn animal in which the navel has not completely healed, shall not be considered fit for transportation.
2.
 - (a) An animal shall be provided with adequate space to stand in its natural position and, when necessary, with partitions to protect the animal from motion of the means of transport. Unless special conditions for the protection of the animal requires otherwise, room to lie down shall be provided.
 - (b) The means of transport and container shall be constructed and operated so as to protect the animal 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 animal 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 animal when it is in a naturally standing position without on any account hindering its natural movement.
 - (c) The means of transport and container 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 the animal and to ensure its safety during transport. A container in which an animal is transported shall be marked with a symbol indicating the presence of a live animal and a sign indicating the animals' upright position. It shall allow for the inspection and care of the animal and shall be stowed in a way which does not interfere with ventilation or impede access. During transport and handling, a container 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 animal shall receive water and appropriate food at the intervals laid down in the appropriate Chapters of this Schedule. These intervals, for the types of animal 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) A soliped shall wear halters during transport. This provision need not apply to an unbroken foal or to an animal transported in an individual box.
 - (f) When an animal is tied, the ropes or other attachments used shall be strong enough not to break during normal transport conditions, and long enough to allow the animal, 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. An animal shall not be tied by the horns, or by a nose ring.
 - (g) A soliped shall be transported in an individual stall or box which is designed to protect the animal against jolts. However, an animal may also be transported in a group of animals; in that case, care shall be taken to ensure that an animal that is hostile to one another animal are not transported together or where they are transported together, that they have their hind hoofs unshod. In cases where a soliped is 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 a soliped from its stall.
 - (h) A soliped shall not be transported in a vehicle with more than one deck.
3. (a) When an animal of a different species travels in the same means of transport as another species of animal, it shall be segregated according to species, except in the case of a companion animal where separation would cause distress. Furthermore, special measures shall be taken to avoid adverse reactions which might result from the transport of an animal in the same consignment as an animal that are naturally hostile to each other. When an animal of a different age to another animal is carried in the same means of transport, the adult and young animal shall be kept separate; this restriction shall not, however, apply to a female travelling with its young which it suckles. An uncastrated adult male shall be kept separate from the female. An adult breeding boar shall be separated from another adult breeding boar. This shall also apply to a stallion. These provisions shall apply only insofar as the animal has not been raised in compatible groups or is not accustomed to one another.
- (b) Goods, which could prejudice the welfare of an animal, shall not be loaded in a compartment in which an animal is transported.
4. Equipment, suitable for the loading and unloading of an animal such as a bridge, ramp or gangway 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, an animal shall not be suspended by a mechanical means, nor lifted or dragged by the head, horns, ears, legs, tail or fleece. In addition, the use of an electrical prod 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 animal 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 animal. 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 an animal during transport, a consignment of livestock shall be accompanied by an attendant, except in the following cases –
 - (a) where an animal is transported in a container which is secured, adequately ventilated and, where necessary, contains 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 the attendant;
 - (c) where the consignor has appointed an agent to care for the animal at appropriate staging points.
7.
 - (a) The attendant or consignor's agent shall look after the animal, feed and water it and, if necessary, milk it.
 - (b) A cow 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 or she shall, if necessary, have available a suitable means of lighting.
8. An animal shall be loaded only into a means of transport or a container which has 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. A railway truck used in the transport of an animal shall be marked with a symbol indicating the presence of a live animal, unless the animal is being transported in a container. If a truck specially adapted for transport of an animal is not obtainable, the animal shall be carried in a covered truck which is capable of travelling at high speed and is provided with sufficiently large air vents or a ventilation system which is effective even at low speeds. The inside walls of the truck shall be of wood or other suitable material, completely smooth and fitted with rings or bars, at a suitable height, to which the animal may be attached if necessary.
10. Where it is not transported in an individual box, a soliped shall be tied in such a way that it is facing the same side of the vehicle or tied facing another soliped. However, a foal and unbroken animal shall not be tied.

11. A large animal shall be loaded in such a way as to allow a person to move between it and another large animal.
12. In accordance with paragraph 3 (a), where an animal is required to be segregated, this may be effected either by tying the animal in a separate part of the truck, if its space permits, or by means of suitable partitions.
13. When assembling a train and during all other movements of a truck every precaution shall be taken to avoid jolting of the truck containing an animal.

C. Special Provisions for Transport by Road

14. A vehicle shall be escape-proof and so constructed as to ensure the safety of the animal and shall also be equipped with a roof which ensures effective protection against the weather.
15. Tying facilities shall be provided in a vehicle used in the transport of a large animal which is normally required to be tied. When a vehicle is required to be sub-divided, the partitions shall be of rigid construction.
16. A vehicle shall carry suitable equipment complying with the requirements of paragraph 4. A transporter granted an authorisation by the Minister in accordance with Regulation 12 shall ensure that the road vehicle used for the transport of the animal is equipped with facilities to water it without the necessity of unloading.

D. Special Provisions for Transport by Water

17. The fittings of a vessel shall be such that the animal can be transported without injury or unnecessary suffering.
18. An animal shall not be transported on an open deck unless in an adequately secured container or other structure, approved by the Minister, and giving adequate protection against sea and weather.
19. An animal shall be tied or properly accommodated in a pen or container.
20. There shall be adequate passageways providing access to a pen, container or vehicle accommodating an animal. 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. Any part of a vessel where an animal is accommodated shall be provided with drainage and shall be kept in a sanitary condition.

23. A vessel used in the transport of an animal 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) the 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 its use.
24. A vessel used in the transport of an animal shall, before sailing, be provided with sufficient supplies of drinking water — where it is 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. Provision shall be made for isolating an ill or injured animal during the voyage and for first-aid treatment to be given, when necessary.
26. (a) Where an animal is transported in a railway truck on board a ship, special care shall be taken to ensure that adequate ventilation is provided for the animal throughout the voyage. Paragraphs 17 to 19 shall not apply to the transport of an animal loaded in a railway truck or road vehicle on board a ferry boat or a similar vessel.
- (b) Where an animal is transported in a road vehicle on board a ship, 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 it 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 an animal 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 the 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 animal where it is in a naturally standing position, without on any account hindering its natural movement;

- (iii) direct access shall be provided to each part of the animals' compartment so that the animal can, if necessary, be cared for, fed and watered during the voyage.

E. Special Provisions for Transport by Air

- 27. An animal shall be transported in a container, pen or stall 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 animal. 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 an animal, if necessary.

CHAPTER II

POULTRY, A DOMESTIC BIRD AND A DOMESTIC RABBIT

- 30. (a) The following provisions of Chapter I shall apply mutatis mutandis to the transport of poultry, a domestic bird and a domestic rabbit: paragraphs 2 (a), (b) and (c), 3, 5, 6, 8, 9, 13, 17 to 22 inclusive, 24 and 26 to 28 inclusive.
- (b) A vehicle shall be equipped in a manner that will ensure effective protection for the animal against the weather.
- 31. Suitable food and water shall be available in adequate quantities, save in the case of –
 - (a) a journey lasting less than 12 hours, disregarding loading and unloading time,
 - (b) 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 DOG AND A DOMESTIC CAT

- 32. (a) Without prejudice to Regulation 3 (2) (c), the following provisions of Chapter I shall apply mutatis mutandis to the transport of a domestic dog and a domestic cat: 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) A vehicle shall be equipped in a manner that will ensure effective protection for the animal against the weather.
33. An animal being transported shall be fed at intervals of not more than 24 hours and given water at intervals of not more than 12 hours. A female in oestrus shall be separated from a male.

CHAPTER IV

ANY OTHER MAMMAL AND BIRD

34. (a) The provisions of this chapter shall apply to the transport of a mammal and bird which is not covered by the provisions of the preceding chapters.
- (b) The following provisions of Chapter I shall apply mutates 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 Regulation 4 (3), only an animal suitable for transport and in good health shall be transported. An animal obviously in advanced stages of pregnancy or an animal that has recently given birth, as well as an infant animal incapable of feeding itself and which is 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 it 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. An animal shall be transported only in a suitably constructed means of transport, on which, if necessary, a notice shall be placed indicating that the animal in it is wild, timid or dangerous. Moreover, the person in charge of the animal shall ensure that clear written instructions about feeding and watering and any special care required shall accompany the animal. These instructions shall be made available to an authorised officer for inspection if the officer so requests.

An animal 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, it shall be transported at least in accordance with the most recent IATA rules governing the transport of live animals. The animal shall be conveyed to its destination as soon as possible.

38. An animal 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 an animal prior to shipment during which it shall, if necessary, be moved into its container gradually.
40. Subject to the provisions of paragraph 3 (a) of Chapter I, an animal shall not be placed in the same container as an animal of a different species. Moreover, an animal of the same species shall not be placed in the same container with another animal unless it is known that they are compatible with one another.
41. A cervine animal shall not be transported while in velvet.
42. A bird shall be kept in semi-darkness.
43. A marine mammal shall have the constant attention of a qualified attendant. A container 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 animal from coming into contact with a person handling the container or from injuring itself,
 - (b) Spacer bars of adequate size shall be fitted to all walls, roof and base of the container to ensure that there is a free flow of air to the animal in the event of stacking or close storing of cargo.
45. An animal should not be housed near foodstuffs or in a place to which an unauthorised person has access.

CHAPTER V

ANY OTHER VERTEBRATE ANIMAL AND COLD-BLOODED ANIMAL

46. Any other vertebrate animal and cold-blooded animal shall be transported in a container, under conditions, in particular with regard to space, ventilation, temperature and security, and with a supply of water and oxygen appropriate for the species concerned.

An animal which is 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, it shall be transported at least in accordance with the most recent IATA rules governing the transport of live animals. The animal shall be conveyed to its destination as soon as possible.

CHAPTER VI

LOADING DENSITIES

A. General

47. (1) No person shall cause or permit a domestic soliped, bovine animal, sheep and goat, pig 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 the animal, there is provided on the transport for the unimpeded use by the animal 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 Soliped

- (2) (a) Notwithstanding the requirements of subparagraph (1), during a long journey a foal and young horse 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 animal considers it necessary, having regard to the weight and size of the soliped in a means of transport, its physical condition, the meteorological conditions and the likely journey time, he or she may in the case of transport by rail or road, vary the figures in the second column of the Tables for such an animal by increasing or decreasing the floor area by ten per cent in the case of an adult horse and pony and by a maximum of twenty per cent in the case of a young horse and foal.
- (3) Where an authorised officer considers it necessary, having regard to the weight and size of the soliped in a means of transport, its physical condition, the meteorological conditions and the likely journey time, he or she may, in the case of transport by road, rail, air or sea, determine the area to be provided for such an animal as he or she sees fit.

Transport by Rail

Adult horse	1.75m ² (0.7 x 2.5m)(*)
Young horse (6 – 24 months)(for journeys of up to 48 hours)	1.2m ² (0.6 x 2m)
Young horse (6 – 24 months)(for journeys over 48 hours)	2.4m ² (1.2 x 2m)
Pony (under 144cm)	1m ² (0.6 x 1.8m)
Foal (0 – 6 months)	1.4m ² (1 x 1.4m)

(*) The standard useable width of wagon is 2.6 to 2.7 m

NB: During long a journey, a foal and a young horse must be able to lie down

These figures may vary by a maximum of 10% for an adult horse and pony and by a maximum of 20% for a young horse' and a foal, depending not only on the horses'

weight and size but also on its physical condition, the meteorological conditions and the likely journey time.

Transport by Road

Adult horse	1.75m ² (0.7 x 2.5m)
Young horse (6 – 24 months)(for journeys of up to 48 hours)	1.2m ² (0.6 x 2m)
Young horse (6 – 24 months)(for journeys over 48 hours)	2.4m ² (1.2 x 2m)
Pony (under 144cm)	1m ² (0.6 x 1.8m)
Foal (0 – 6 months)	1.4m ² (1 x 1.4m)
NB: During a long journey, a foal and a young horse must be able to lie down	

These figures may vary by a maximum of 10% for an adult horse and pony and by a maximum of 20% for a young horse and a foal, depending not only on the horses' weight and size but also on its physical condition, the meteorological conditions and the likely journey time.

Transport by Air

Loading density for a horse in relation to surface area

0 – 100kg	0.42 m ²
100 – 200kg	0.66 m ²
200 – 300kg	0.87 m ²
300 – 400kg	1.04 m ²
400 – 500kg	1.19 m ²
500 – 600kg	1.34 m ²
600 – 700kg	1.51 m ²
700 – 800kg	1.73 m ²

Transport by Sea

Live weight in kg	m ² /animal
200 – 300	0.90 – 1.175
300 – 400	1.175 – 1.45
400 – 500	1.45 – 1.725
500 – 600	1.725 – 2
600 – 700	2 – 2.25

C. Bovine Animal

- (4) (a) Notwithstanding the requirements of subparagraph (1), a pregnant animal shall be allowed 10 per cent more space than that set down for that weight of animal in the relevant table.
- (b) Subject to the provisions of subparagraph (5), the transporter or person in charge of the animal may vary the figure for the transport of a bovine

animal by road or rail or in a road vehicle by sea depending not only on the animals' weight and size but also on its 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 a bovine animal in a means of transport, its physical condition, the meteorological conditions and the likely journey time, he or she may, in the case of transport by rail, sea, air or road, determine the area to be provided for the animal as he or she sees fit.

Transport by Rail

Category	Approximate weight (in kg)	Area in m ² /animal
Small calf	50	0.30 to 0.40
Medium sized calf	110	0.40 to 0.70
Heavy calf	200	0.70 to 0.95
Medium sized cattle	325	0.95 to 1.30
Heavy cattle	550	1.30 to 1.60
Very heavy cattle	>700	>1.60

These figures may vary, depending not only on the animals' weight and size but also on its physical condition, the meteorological conditions and the likely journey time.

Transport by road

Category	Approximate weight (in kg)	Area in m ² /animal
Small calf	50	0.30 to 0.40
Medium sized calf	110	0.40 to 0.70
Heavy calf	200	0.70 to 0.95
Medium sized cattle	325	0.95 to 1.30
Heavy cattle	550	1.30 to 1.60
Very heavy cattle	>700	>1.60

These figures may vary, depending not only on the animals' weight and size but also on its physical condition, the meteorological conditions and the likely journey time.

Transport by Air

Category	Approximate weight (in kg)	Area in m ² /animal
Calf	50	0.23
	70	0.28
Cattle	300	0.84
	500	1.27

Transport by Sea

Live weight in kg	m ² /animal
200 – 300	0.81 – 1.0575
300 – 400	1.0575 – 1.305
400 – 500	1.305 – 1.5525
500 – 600	1.5525 – 1.8
600 – 700	1.8 – 2.025

A pregnant animal must be allowed 10% more space.

D. Sheep/Goat

- (6) Subject to the provisions of subparagraph (7), the transporter or person in charge of an animal may vary the figures for the transport of a sheep or a goat by road or rail or in a road vehicle by sea depending not only on the animals' breed and size but also on its physical condition and the length of fleece of the animal, as well as the meteorological conditions and the likely journey time. As an indication: for a small lamb 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 a sheep or a goat in a means of transport, its physical condition, the length of fleece of the animal, the meteorological conditions and the likely journey time, he or she may, in the case of transport by road, rail, sea or air, determine the area to be provided for the animal as he or she sees fit.

Transport by Rail

Category	Weight (in kg)	Area in m ² /animal
Shorn sheep	< 55	0.20 to 0.30
	> 55	> 0.30
Unshorn sheep	< 55	0.30 to 0.40
	> 55	> 0.40
Heavily pregnant ewe	< 55	0.40 to 0.50
	> 55	> 0.50
Goat	< 35	0.20 to 0.30
	35 to 55	0.30 to 0.40
	> 55	0.40 to 0.75
Heavily pregnant goat	< 55	0.40 to 0.50
	> 55	> 0.50

The surface area indicated above may vary depending on the breed, the size, the physical condition and the length of the fleece of the animal, as well as on the meteorological conditions and the journey time.

Transport by Road

Category	weight (in kg)	Area in m ² /animal
Shorn sheep and lambs of 26kg and over	< 55	0.20 to 0.30
	> 55	> 0.30
Unshorn sheep	< 55	0.30 to 0.40
	> 55	> 0.40
Heavily pregnant ewe	< 55	0.40 to 0.50
	> 55	> 0.50
Goat	< 35	0.20 to 0.30
	35 to 55	0.30 to 0.40
	> 55	0.40 to 0.75
Heavily pregnant ewe	< 55	0.40 to 0.50
	> 55	> 0.50

The surface area indicated above may vary depending on the breed, size, the physical condition and the length of the fleece of the animal, as well as on the meteorological conditions and the journey time.

Transport by Air

Loading density for a sheep and a goat in relation to surface area

Average weight in kg	Surface area per sheep/goat (in m ²)
25	0.2
50	0.3
75	0.4

Transport by Sea

Live weight in kg	m ² /animal
20 – 30	0.24 – 0.265
30 – 40	0.265 – 0.290
40 – 50	0.290 – 0.315
50 – 60	0.315 – 0.34
60 – 70	0.34 – 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 an animal shall ensure that the pig is able to lie down and stand up in its natural position. In order to comply with these minimum requirements, the loading density for a pig 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 an animal may vary the figures for the transport of a pig 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 a pig to be transported by air shall ensure that the loading density should be high for the pig 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 animal 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 or she may, in the case of transport by road, rail or sea, determine the area to be provided for such animals as he or she sees fit.
- (10) Where an authorised officer considers it necessary, having regard to the climatic conditions, total journey time and hour of arrival, he or she may, in the case of transport by air, determine the area to be provided for such animals as he or she sees fit.

Transport by Air

The loading density should be relatively high to preclude injury on takeoff or landing or in the event of turbulence although the animal must still be able to lie down. The climate, total journey time and hour of arrival should be taken into account in deciding on the loading density.

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

Transport by Sea

Live weight in kg	m ² /animal
10 or less	0.20
20	0.28
45	0.37
70	0.60
100	0.85
140	0.95
180	1.10
270	1.50

F. Poultry

- (11) Subject to the provisions of subparagraph (12) the transporter or person in charge of an animal may vary the figures for the transport of poultry in a container depending not only on the weight and size of the bird but also on its 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 bird in a container in a means of transport, its physical condition, the meteorological conditions and the likely journey time, he or she may, determine the area to be provided for the animal, as he or she sees fit.

Densities applicable to the transport of poultry in a container

Minimum floor areas shall be provided as follows:

Category	Area in cm ²
Day old chicks	21 – 25 per chick
Poultry other than day old chicks: weight in kg	Area in cm ² per kg
< 1.6	180 - 200
1.6 to < 3	160
3 to < 5	115
> 5	105

CHAPTER VII

Watering and Feeding Intervals, Journey Times and Rest Periods

48. (1) For the purposes of this Chapter, journey times shall be deemed to commence from the time the animal is loaded into the means of transport. Journey times shall not exceed 8 hours, but this period may be extended as set down in subparagraphs (2) and (3) where the transporting vehicle meets the following additional requirements –
- (a) there is sufficient bedding on the floor of the vehicle,
 - (b) the vehicle carries appropriate feed for the species of animal transported and for the journey time,
 - (c) there is direct access to the animal,
 - (d) there is adequate ventilation which can be adjusted depending on the temperature (inside and outside); in the case of pig transport, this ventilation must be mechanical ventilation,
 - (e) there are movable panels for creating separate compartments,

- (f) the vehicle is equipped for connection to a water supply during stops,
 - (g) in the case of a vehicle for transporting a pig, sufficient water is carried for watering during the journey.
- (2) Subject to the provisions of Regulation 10, the transporter or person in charge shall ensure that the transport of an animal by road in a road vehicle complies with the following requirements –
- (a) An unweaned calf, lamb, kid and foal which is still on a milk diet, as well as an unweaned piglet—
 - (i) shall, after a maximum of 9 hours of transport, be given a rest period of at least 1 hour sufficient in particular for it to be given liquid and if necessary fed. After this rest period, transport may continue for a further 9 hours,
 - (ii) at the end of the transport, shall be unloaded, given a feed adapted to its physiological needs, watered, and rested for at least 24 hours.

Transport may recommence 24 hours after unloading in accordance with the above requirements of this clause.

- (b) A domestic solidungulate (except registered equidae within the meaning of Council Directive 90/426/EEC) (O.J. No. L224 of 18.8.1990, p.42.)
 - (i) may be transported for a maximum period of 24 hours,
 - (ii) shall be watered and if necessary fed every 8 hours,
 - (iii) at the end of the transport, shall be unloaded, fed and watered and rested for 24 hours.

Transport may recommence 24 hours after unloading in accordance with the above requirements of this clause.

- (c) A bovine animal, a sheep and a goat, other than those referred to in clause (a) of this subparagraph—
 - (i) shall, after 14 hours of travel be given a rest period of at least 1 hour sufficient for them in particular to be given liquid and if necessary fed. After this rest period transport may continue for a further 14 hours,
 - (ii) at the end of the transport, shall be unloaded, fed and watered and rested for 24 hours.

Transport may recommence 24 hours after unloading in accordance with the above requirements of this clause.

- (d) A pig, other than an unweaned piglet referred to in clause (a) of this subparagraph—
 - (i) may be transported for a maximum period of 24 hours,
 - (ii) shall have continuous access to water during the journey,
 - (iii) shall, at the end of the transport, be unloaded, fed and watered and rested for 24 hours.

Transport may recommence 24 hours after unloading in accordance with the above requirements of this clause.

- (e) In the case of transport by sea in a road vehicle on a regular and direct link between two geographical points of the European Union, a rest period of 12 hours shall be provided after the animals are unloaded at the port of destination or in its immediate vicinity, unless the journey time at sea is such that the voyage may be included as part of the general scheme set out in this subparagraph. In any event, the animal shall be watered.
- (3) In the interest of the animal, the journey times provided in subparagraph (2) may be extended by 2 hours, taking account in particular of proximity to the place of destination.

SCHEDULE 2

ROUTE PLAN
PART A

**European Communities (Protection of
Animals during Transport) Regulations 2006**

TO BE COMPLETED BY TRANSPORTER AND SUBMITTED TO INSPECTOR NOT LESS THAN 24 HOURS PRIOR TO DEPARTURE					
Transporter (Name, address, business name):			Means of Transport:		
Tel :			Vehicle Registration number:		
Signature of Transporter:		Fax :	Transporter Authorisation number:		
Animal species and category:	PROPOSED ITINERARY - STAGING AND/OR TRANSFER POINTS				
	Place and Address	Date	Time Arrival	Time Departure	Length of Stop
	(a)				
Number of Animals:	(b)				
Place of Departure:	(c)				
	(d)				
FULL postal address of Place of Destination:	(e)				
	(f)				
	(g)				
Estimated Journey Time (HOURS)	(h)				

TO BE COMPLETED BY VETERINARY INSPECTOR		
Serial Number(s) of Health Certificate(s):	Vehicle/Trailer Approval Number:	OFFICIAL STAMP at place of departure:
Signature and Name in Block Capitals		
Date and Time of Departure:		

ROUTE PLAN PART B

TO BE COMPLETED BY THE PERSON IN CHARGE OF THE MEANS OF TRANSPORT DURING THE COURSE OF THE JOURNEY AND RETURNED TO DVO OF ISSUE WITHIN 10 DAYS OF THE PROPOSED DATE OF ARRIVAL AT THE PLACE OF DESTINATION INDICATED ON PART A

ACTUAL ITINERARY - STAGING AND/OR TRANSFER POINTS

Place and Address	Date	Time of Arrival	Time of Departure	Length of Stop	Reason	Name of Staging Point or Transfer Point, where appropriate
a)						
b)						
c)						
d)						
e)						
f)						
g)						
h)						

Reason for any difference between actual and proposed itinerary:	Date and Time of Arrival at place of destination:
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Number and reason of animal injuries and/or deaths during journey:	STAMP OF VETERINARIAN AT STAGING POINT(S)
Signature and Name (CAPITAL LETTERS) of Person in Charge of Vehicle during journey:	

As the transporter responsible for the whole period of the journey I hereby certify that the entries above are correct: Transporter's signature:	Stamp of competent authority at point of exit from EU or authorised crossing point:
OBSERVATIONS of Transporter:	

DVO of Issue:	Received in DVO by:	Date of Receipt in DVO:
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GIVEN under my Official Seal,
18 May 2006

Mary Coughlan
Minister for Agriculture and Food

EXPLANATORY NOTE.

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations lay down the standards to be applied in relation to the protection of animals during transport. The Regulations make 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 a person who is entrusted to transport live animals possesses the necessary knowledge to care for the animals.