

L.N. 261 of 2003

**ANIMAL WELFARE ACT
ACT NO. XXV OF 2001**

Staging Points Regulations, 2003.

IN exercise of the powers conferred by article 22 of the Animal Welfare Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

Title and scope.

1. (1) The title of these regulations is the Staging Points Regulations, 2003. These regulations shall apply only to staging points accommodating for at least 24 hours domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species in the territory of Malta in accordance with Chapter VII of the Annex to European Union Council Directive 91/628/EEC and without prejudice to European Union Council Directives 64/432/EEC, 80/213/EEC, 85/511/EEC, 89/608/EEC, 90/425/EEC, 90/426/EEC, 91/68/EEC, 91/496/EEC, 92/102/EEC, and 93/119/EEC.

(2) The staging points referred to in sub-regulation (1) shall comply with the veterinary criteria laid down in these regulations.

(3) The scope of these regulations is to implement the provisions found under European Union Council Regulation 1255/97/EC, concerning criteria for staging points.

Definitions.

2. (1) For the purposes of these regulations, the definitions in article 2 of European Union Council Directives 64/432/EEC, 90/425/EEC, 91/496/EEC and 91/628/EEC shall apply as necessary.

(2) Furthermore “trading partner” shall have the same meaning as provided in article 2 of the Veterinary Services Act and shall include member States of the European Union.

Approval of staging points.

3. (1) In the territory of Malta staging points are approved by the Veterinary Services.

(2) For the purpose of such approval, the Veterinary Services shall ensure that staging points fulfil all the requirements found in the Schedule to these regulations. In addition, such staging points shall -

- (a) be located in an area which is not subject to prohibition or restrictions in accordance with relevant veterinary legislation;
- (b) be under the control of an official veterinarian who shall ensure, *inter alia*, compliance with the provisions of these regulations;
- (c) operate in compliance with all the relevant veterinary rules regarding animal health, the movement of animals and the protection of animals at the time of slaughter;
- (d) undergo regular inspection to ascertain that the requirements for approval continue to be fulfilled.

(3) The Veterinary Services shall issue an approval number to each staging point. Such approval may be limited to a particular species or to certain categories of animal and health status. The Veterinary Services shall notify the European Commission of the list of approved staging points and any up-dates.

(4) The Veterinary Services may withdraw or suspend approval in the event of failure to comply with this regulation or other relevant provisions of these regulations, in the event of a change in the health status of the area in which the staging point is located, or in the event of breach of the rules on animal welfare. Approval may be restored when the Veterinary Services is satisfied that the staging point is once more in compliance with all the provisions of these regulations.

Use of staging points.

4. (1) Staging points shall be used exclusively to receive, feed, water, rest, accommodate, care for and dispatch animals passing through.

(2) However, by way of derogation from sub-regulation (1), Veterinary Services may also approve as staging points assembly centres, as defined in article 2(2)(o) of European Union Council Directive 64/432/EEC provided that they comply with the following when used as staging points –

(a) they satisfy the relevant requirements of article 11 of European Union Council Directive 64/432/EEC and the requirements of these regulations;

(b) the use of such facilities is exclusively reserved for this purpose during the period concerned;

(c) they are not used for the purchase or sale of animals covered by these regulations.

(3) Only animals of the same certified health status belonging to the species concerned and for which the staging points are approved may be present at the same time at staging points in order not to jeopardise the animals' health status.

Responsibility and obligations of persons responsible for staging points.

5. The owner or any natural or legal person running a staging point shall be responsible for compliance with the relevant provisions of these regulations and, to that end, shall be obliged -

(a) to admit only those animals which have been certified or identified in accordance with the relevant veterinary legislation, with particular reference to the provisions referred to in regulation 3(3). For this purpose, he shall check or have others check the health or other accompanying documents belonging to the species or categories concerned and randomly check any identification marks on the animals;

(b) to ensure that, without prejudice to the provisions of point B.3 of the Schedule to these regulations, animals at staging points are kept in the same groups in which they were originally dispatched and that each consignment of animals is accommodated in entirely separate facilities, managed in accordance with the official veterinarian's requirements, in order to avoid any contact that might jeopardise the animals' health status;

(c) to ensure that the animals staying at staging points are fed and watered at the right time according to the species involved and to provide for this purpose appropriate quantities of feeding stuffs and liquids;

(d) to care for the animals staying at staging points and, where required, take all necessary steps to guarantee their welfare and compliance with animal-health requirements;

(e) to call a veterinarian should the need arise –

(i) to give the appropriate treatment to animals that become sick or injured while under his responsibility; and

(ii) where necessary, to have such animals slaughtered, killed or put down in accordance with European Union Council Directive 93/119/EEC;

(f) to use staff who possess the appropriate ability, knowledge and professional competence and have for that purpose received specific training either within the undertaking or from a training body or have equivalent practical experience qualifying them to handle and, if necessary, administer appropriate care to the animals concerned;

(g) to take the necessary steps to ensure that all those handling animals at staging points comply with the relevant animal-welfare provisions;

(h) to keep a record or database of the information set out in point C.7 of the Schedule to these regulations, to store it and hold it at the disposal of the Veterinary Services for at least three years;

(i) to inform the Veterinary Services at the earliest opportunity of any perceived irregularities.

Confirmation of route plan by official veterinarian.

6. (1) Before the animals leave the staging point, the official veterinarian or any veterinarian designated for this purpose by the Veterinary Services shall confirm on the route plan adjusted to that end in accordance with Chapter VIII of the Annex to European Union Council Directive 91/628/EEC that the animals are fit to continue their journey. Expenditure incurred as a result of the veterinary check shall be borne by the operator concerned.

(2) The rules relating to the exchange of messages between authorities to comply with the requirements of these regulations shall be laid down in accordance with the procedure laid down in article 6 (3) of European Union Council Directive 91/628/EEC.

Penalty for non-fulfilment of obligations.

7. (1) Subject to the provisions of these regulations and of the Animal Welfare Act, a person who infringes any of the provisions arising from these regulations, shall, on conviction be liable to a fine (*multa*) of not less than five thousand Malta Liri and not exceeding fifteen thousand Malta Liri.

(2) Without prejudice to the provisions of sub-regulation (1) of this regulation, the Court may also order any person who is found guilty of committing an offence under these regulations, to pay for the expenses incurred by the Veterinary Services as a result of the said offence, the revocation of the permit issued under these regulations and the confiscation, retention and disposal of the *corpus delicti*.

SCHEDULE
Criteria for staging points

A. HEALTH AND HYGIENE MEASURES

1. Every staging point must –
 - (a) have suitable equipment for cleansing and disinfecting all buildings, equipment, facilities and vehicles;
 - (b) be built from materials that can easily be properly cleansed and disinfected;
 - (c) be cleansed and disinfected before and after each use, as required by the official veterinarian.
2. The person in charge of the staging point shall provide clean equipment and protective clothes which shall be kept exclusively for the use of any persons entering the staging point, and make available suitable equipment for cleansing and disinfecting the above items.
3. Bedding material shall be removed when a consignment of animals is moved from an enclosure and, after the cleansing and disinfecting operations provided for in point A.1(c) of this Schedule, shall be replaced by fresh bedding.
4. Staging points shall be completely cleared of animals for a period of at least 24 hours after a maximum of 6 days' use and after cleansing and disinfecting operations have been carried out and prior to the arrival of any new consignment.

B. CONSTRUCTION AND FACILITIES

1. In addition to the provisions of Chapter I point A.4 of the Annex to European Union Council Directive 91/628/EEC applying to means of transport for loading and unloading animals, every staging point must have suitable equipment and facilities available for the purpose of loading and unloading animals from the means of transport. In particular, such equipment and facilities must have a non-slip floor covering and, if necessary, be provided with lateral protection. Bridges, ramps and gangways must be fitted with sides, railings or some other means of protection to prevent animals falling off them. Loading and unloading ramps should have the minimum possible incline. Passageways must have floor coverings, which minimise the risk of slipping and be so constructed as to minimise the risk of injury to animals. Particular care must be taken to ensure that no appreciable gap or step is allowed between the vehicle floor and the ramp or the ramp and the floor of the unloading area requiring animals to jump or likely to cause them to slip or stumble. All staging points shall be permanently equipped with a sufficient number of permanent or movable ramps which shall be constructed and used in such a way that animals shall not be required to walk up or down an incline exceeding 20° during loading and unloading.
2. All facilities used for accommodating animals at staging points shall –
 - (a) have floor coverings which minimise the risk of slipping and do not cause injury to animals;
 - (b) have roofs and adequate side protection to protect the animals from adverse weather conditions;

(c) have suitable facilities for holding, inspecting, examining where necessary, feeding and watering the animals and storing feedingstuffs;

(d) taking holding capacity into account, have adequate ventilation and drainage for the species of animal accommodated;

(e) have natural or artificial lighting at a level sufficient to permit inspection of all animals at any time. If necessary, adequate backup lighting should be available;

(f) have equipment for tethering animals which need to be tethered. Such tethering shall be carried out in a way which does not cause pain or suffering to the animals and permits them to feed, drink or lie down without difficulty;

(g) have in relation to the species concerned, sufficient space for the animals to lie down at the same time and make their way easily to their drinking and feeding points;

(h) have adequate supplies of bedding material. Such material shall be placed in each enclosure according to the needs of each species or category of animal accommodated;

(i) be constructed and maintained in such a way as to avoid the animals coming into contact with any sharp or dangerous object or damaged surface which could cause them injury.

3. Staging points shall have suitable facilities for the separate accommodation of animals which are diseased, injured or in need of individual attention.

4. Staging points shall have suitable facilities for all persons having business on and using the premises.

5. Staging points shall have appropriate arrangements for the storage and disposal of waste material and for the storage of dead animals, pending their removal and destruction in accordance with European Union Council Directive 90/667/EEC.

C. OPERATIONS

1. Animals shall be unloaded without delay after arrival. If delay is unavoidable, however, taking account of weather conditions and waiting periods, the animals should be guaranteed the best possible welfare conditions.

2. During loading and unloading, care must be taken not to frighten, excite or mistreat the animals, and to ensure that they are not knocked over. Animals must be neither lifted nor dragged by the head, horns, ears, feet, tail or fleece or handled in such a way as to cause them unnecessary pain or suffering. When necessary, they must be led individually.

3. For the movement of animals throughout the facilities –

(a) mobile passageways must be arranged so as to exploit the gregarious tendencies of animals;

(b) instruments intended for guiding animals must be used solely for that purpose. Use of instruments which administer electric shocks should be avoided as far as

possible and in any case may be used only for adult bovine animals and pigs which refuse to move, on condition that the shocks last no more than two seconds, are adequately spaced and that the animals have room ahead of them in which to move. Such shocks may be applied only to the muscles of the hindquarters;

(c) animals must not be struck, nor shall pressure be applied to any particularly sensitive part of the body. In particular, animals' tails must not be crushed, twisted or broken and their eyes must not be grasped. Animals must not be punched or kicked;

(d) persons handling animals at the staging point must not have possession of or use prods or other implements with pointed ends. Sticks or other implements intended for guiding animals may be used provided they can be applied to the body of an animal without causing it injury or unnecessary suffering.

4. Animals which arrive after having been subjected to high temperatures in humid weather must be cooled by appropriate means as soon as possible.

5. The feeding and watering of animals shall be carried out in such a way as to ensure that every animal accommodated at the staging point can have at least sufficient clean water and sufficient and appropriate feed to satisfy its bodily needs during its stay and for the expected duration of its journey to the next feeding point. Staging points may not receive animals with special feeding needs, such as young calves needing liquid feed, unless they are properly equipped and staffed to satisfy those needs.

6. The condition and state of the animals shall be inspected by a staff member of the staging point on their arrival at the staging point and at least once every 12 hours during their stay at the staging point.

7. The record referred to in regulation 5(h) of these regulations shall contain the following information -

(a) date and time of completion of unloading and commencement of reloading of each consignment;

(b) date and duration of the depopulation for health reasons provided for in point A.4 of this Schedule;

(c) animal health certificate number(s) relating to each consignment;

(d) any necessary remarks concerning the health or welfare condition of the animals and especially –

(i) the particulars and number of animals discovered dead at the point of unloading at the staging point or which die during their stay;

(ii) the particulars and number of animals which are discovered to be seriously injured at the point of unloading or during their stay, or are considered to be unfit for further travel;

(e) the names and addresses of the transporter and drivers and the registration numbers of the vehicles.