

Statutory Instrument 2000 No. 167

The Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000

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SCOTTISH STATUTORY INSTRUMENTS

2000 No. 167

ANIMALS

ANIMAL HEALTH

The Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000

<i>Made</i>	<i>1st June 2000</i>
<i>Laid before the Scottish Parliament</i>	<i>6th June 2000</i>
<i>Coming into force</i>	<i>27th June 2000</i>

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(2) of the European Communities Act 1972[1], and of all other powers enabling them in that behalf, make the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000 and shall come into force on 27th June 2000.

2. - (1) In these Regulations, unless the context otherwise requires-

"animal" includes bird;

"contact parts" means those parts of the means of transport which have come into direct contact with the animals being transported, their excreta, litter or fodder;

"inspector" means an inspector appointed by a local authority for the purposes of enforcing these Regulations;

"local authority" means a council constituted under section 2 of the Local Government Etc. (Scotland) Act 1994[2];

"means of transport" includes road vehicle, vessel, rail wagon or aircraft in which animals are transported and includes any receptacle in which animals are transported on to another means of transport and any fitting, accessory or equipment (whether detachable or not);

"transport of a commercial nature" means transport in the course of a trade or business.

(2) In these Regulations, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations.

(3) Any notice served under these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Cleansing and disinfection in relation to the transport of hoofed animals and poultry

3. - (1) This regulation applies (other than in the circumstances specified in Schedule 2) to the transport of-

(a) hoofed animals;

(b) racing pigeons; and

(c) domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, pheasants, partridges and ratites, if they are reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for restocking supplies of game.

(2) Where a means of transport has been used to transport any animal to which this article applies or anything which may give rise to the transmission of a disease affecting animals, the user of the means of transport shall, as soon as reasonably practicable and not more than 24 hours after the journey is completed, ensure that it is cleansed and disinfected in accordance with Schedule 1, or, where appropriate, destroyed.

(3) No person shall use, or cause or permit the use of, any means of transport to transport any animal to which this article applies, unless it has been cleansed and disinfected in accordance with Schedule 1 since it was last used to transport any animal or anything which may give rise to the transmission of a disease affecting animals.

(4) Without prejudice to the provisions of paragraphs (2) and (3) above, if a means

of transport has become soiled so as to give rise to a risk of transmission of a disease affecting animals since being cleansed and disinfected in accordance with paragraphs (2) and (3) above, the transporter shall cleanse and disinfect it in accordance with paragraphs (3) and (4) of Schedule 1 before loading animals to which this article applies into the means of transport.

(5) Any person transporting any animal to which this article applies shall remove any dead animal, parts of animals, soiled bedding and excreta from the means of transport as soon as practicable.

Cleansing and disinfection in relation to the transport of other mammals and birds, and hoofed animals and poultry in certain circumstances

4. - (1) Subject to paragraph (2) below, this regulation applies to transport of a commercial nature of-

- (a) all mammals other than hoofed animals;
- (b) all birds not included in regulation 3; and
- (c) animals and birds of any species in the circumstances specified in Schedule 2.

(2) This regulation does not apply to transport of-

- (a) a single animal accompanied by a person having the care of, or responsibility for, the animal during transport; or
- (b) a pet animal accompanied by its owner on a journey.

(3) Any person transporting, or causing or permitting the transport of, an animal to which this regulation applies shall ensure that-

- (a) its means of transport has been cleansed and, where necessary, disinfected in accordance with Schedule 1; and
- (b) any dead animal, parts of animals, soiled bedding and excreta are removed from its means of transport as soon as possible.

Disposal of material after cleansing

5. Everything removed from the means of transport in accordance with Schedule 1 shall either be-

- (a) destroyed;
- (b) treated so as to remove the risk of transmission of a disease affecting animals; or
- (c) disposed of so that animals have no access to it.

Powers of inspectors

6. - (1) An inspector shall have, for the purpose of enforcing these Regulations, power to-

- (a) enter any place, other than a dwellinghouse, at which a means of transport is kept;**
- (b) enter any means of transport and carry out such inspection of it or enquiry in relation to it as appears to the inspector to be appropriate;**
- (c) require the assistance of the user of the means of transport, or of any person appearing to the inspector to be in charge of it, to facilitate such inspection or enquiry; and**
- (d) inspect, and take copies of, any document relating to the carriage of animals in the means of transport.**

(2) Where an inspector is satisfied that a means of transport either-

- (a) has not been cleansed and disinfected in accordance with these Regulations; or**
- (b) requires to be cleansed and disinfected to prevent a risk of transmission of a disease affecting animals,**

that inspector may serve a notice on any person appearing to the inspector to be in charge of that means of transport-

- (i) prohibiting the use of the means of transport for either the transport or keeping of animals or both until it has been cleansed and disinfected;**
- (ii) requiring that person to carry out the cleansing and disinfection as set out in the notice within a period specified in the notice; or**
- (iii) requiring that person to dispose of all feedingstuffs to which animals have had access, bedding, excreta and other material of animal origin in the way set out in the notice.**

(3) Cleansing and disinfection required by a notice under this regulation shall be carried out in accordance with Schedule 1 unless an inspector is satisfied that it is necessary for animal health purposes for the cleansing and disinfection to be carried out in a manner specified in a notice.

(4) Where a person fails to comply with a notice served under this regulation, an inspector may arrange for the provisions of the notice to be complied with at the expense of the person on whom the notice was served.

Enforcement

7. These Regulations shall be enforced by the local authority in its area.

Offences and penalties

8. - (1) Any person who-

- (a) contravenes, or fails to comply with-**

- (i) any of the provisions of these Regulations; or
- (ii) a notice or requirement contained in a notice; or

(b) fails without reasonable excuse to comply with any requirement imposed by an inspector in exercise of powers under regulation 6(1) above or obstructs any such officer in the exercise of any of those powers,

shall be guilty of an offence.

(2) A person found guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding the statutory maximum.

Revocations and amendments

9. - (1) The Orders set out in the first column of the table in Part I of Schedule 3 are revoked to the extent set out in the third column of that table.

(2) The Order in Part II of Schedule 3 is amended in accordance with that Part.

ROSS FINNIE

A member of the Scottish Executive

Edinburgh

1st June 2000

SCHEDULE 1

regulations 3, 4, 5 and 6

Methods of cleansing and disinfection

1. Where animals are transported in a means of transport without first having been placed in a container, all feedingstuffs to which animals have had access, excreta, bedding, other material of animal origin, mud and other contaminants shall be removed from the means of transport using any appropriate means. All internal surfaces of the vehicle (other than the cab) and, if they are visibly contaminated, the external surfaces and the wheels of the means of transport shall be washed with water, steam or where appropriate chemicals or chemical compounds so that they are free of contamination which could spread disease.

2. Where animals are transported in a container, the container shall be cleansed in accordance with the preceding paragraph as if it were a means of transport or, where appropriate, destroyed. In addition, the means of transport itself shall be cleansed in accordance with the preceding paragraph where it has been soiled so as to create a risk of spreading disease.

3. Fittings, accessories or equipment (whether detachable or not) shall be cleansed with water, steam or where appropriate chemicals or chemical compounds so that they are free of all contamination which could spread disease.

4. Disinfection shall be carried out after cleansing has been completed, using a

disinfectant approved for the purpose under or in accordance with the Diseases of Animals (Approved Disinfectants) Order 1978[3] or, where an inspector has required the use of a particular cleansing agent under regulation 6, that cleansing agent.

SCHEDULE 2

regulation 4

Circumstances in which regulation 4 applies

Journey made on a single farming enterprise

1. Regulation 4, rather than regulation 3, shall apply in relation to the transport of all animals if the journey is made within a single farming enterprise in one ownership.

Transport of certain horses

2. Regulation 4, rather than regulation 3, shall apply in relation to the transport of-

(a) any horse which is used for recreational or sporting purposes only; or

(b) for the transport of horses kept at stables licensed by the Jockey Club to or from race meetings, or to or from a place at which horses kept at those stables undergo training for racing.

Journeys between the same two points

3. - (1) Regulation 4, rather than regulation 3, shall apply in relation to a means of transport which is used exclusively, in the course of a single day, for the transport of animals between the same two points, other than between markets, provided that the means of transport is cleansed and disinfected in accordance with Schedule 1 within 24 hours of the last journey during which an animal is transported during that day, and in any event before the means of transport is used again in connection with the transport of any animal or thing.

(2) In this paragraph "last journey" includes-

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

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

Temporary unloading

4. Regulation 4, rather than regulation 3, shall apply in the case of a means of transport from which animals have been unloaded solely to be fed or watered, or for some other temporary purpose, and then reloaded.

SCHEDULE 3

Article 10

PART I
REVOCATIONS

<i>Instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Transit of Animals Order 1927	SR&O 1927/289	Articles 1, 2, 8, 21, 22, 23, 27 and 28
Order of the Minister dated May 9, 1927 amending The Transit of Animals Order 1927	SR&O 1927/399	The whole Order
The Horses (Sea Transport) Order 1952	S.I. 1952/1291	Articles 14 and 15
The Transit of Animals (Road and Rail) Order 1975	S.I. 1975/1024	Articles 15 and 16, Schedule 1 Parts II and III and Schedule 3
The Importation of Animals Order 1977	S.I. 1977/944	Articles 4(1), 5(6), 5(7), 6 and 15
The Diseases of Poultry Order 1994	S.I. 1994/3141	Article 10(2)
The Welfare of Animals (Transport) Order 1997	S.I. 1997/1480	Article 15(2) and paragraph 26 of Schedule 1

PART II
AMENDMENTS

In the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11), for:

- (a) conditions 4 and 5 of Schedule 2;
- (b) conditions 3 and 4 of Schedule 3;
- (c) conditions 3 and 4 of Schedule 4;
- (d) conditions 5 and 6 of Schedule 5;
- (e) conditions 4 and 5 of Schedule 6; and
- (f) conditions 5 and 6 of Schedule 7,

there shall in each case be substituted the following:-

" Means of transport must be cleansed and disinfected in accordance with

the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000."

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace, with changes, the instruments dealing with the cleansing and disinfection of means of transport for animals set out in Schedule 3. They implement paragraph 8 of Chapter I of the Annex to Council Directive 91/628/EEC on the protection of animals during transport (O.J. No. L340, 11.12.91, p.17) which was previously implemented by paragraph 26 of Schedule 1 to the Welfare of Animals (Transport) Order 1997, (S.I. 1997/1480).

They also implement Article 12.1(a), second indent, of Council Directive 64/432EEC on health problems affecting intra-Community trade in bovine animals and swine (that Directive was consolidated in the Annex to Council Directive 97/12/EC (O.J. No. L109, 25.4.97, p.1).

They specify that, after the transport of any hoofed animals, and domestic fowl, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites, the means of transport must be cleansed and disinfected in accordance with Schedule 1 before it is used again to transport those animals (regulation 3(2) and (4)). They also specify that, even if this has been done, the means of transport must be cleansed and disinfected before those animals are transported if the means of transport has become soiled so as to cause a risk of transmission of disease (regulation 3(3)). Following a journey, they require a means of transport to be cleansed and disinfected as soon as reasonably practicable, but in any event within not more than 24 hours (regulation 3(5)). They require any person transporting such animals to remove dead animals, parts of animals, soiled bedding and excreta from the means of transport as soon as practicable (article 3(6)).

There are exceptions set out in Schedule 2 relating to journeys on a single enterprise, transport of certain horses and journeys between the same two points. In these cases, and for all other animals and birds, there is a requirement to ensure that they are loaded on to a means of transport which has been cleansed and, if necessary, disinfected and that dead animals, parts of animals, soiled bedding and excreta are removed from the means of transport as soon as practicable (regulation 4).

Regulation 5 sets out how material removed from a means of transport in accordance with Schedule 1 must be disposed of.

Regulation 6 provides for powers to inspectors in particular, to serve a notice requiring a means of transport to be cleansed and disinfected.

The Regulations are enforced by the local authority (regulation 7).

Regulation 8 sets out offences and penalties. The maximum penalty for an offence under the Regulations is the statutory maximum (currently £5,000).

The Regulations revoke those provisions set out in Part I of Schedule 3 and amend the provisions set out in Part II of that Schedule.

A regulatory impact assessment has been prepared and placed in the Scottish

Parliament Information Centre. Copies can be obtained from the Scottish Executive Rural Affairs Department, Division G4, Room 350, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

Notes:

[1] 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) Schedule 8, paragraph 15(3). The functions conferred upon a Minister of the Crown under section 2(2) of the European Communities Act 1972, so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.[back](#)

[2] 1994 c.39.[back](#)

[3] S.I. 1978/32 as amended by S.I. 1978/934 and S.I. 1997/2347.[back](#)

ISBN 0 11 059350 2