

Statutory Rule 2000 No. 293

Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2000

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STATUTORY RULES OF NORTHERN IRELAND

2000 No. 293

ANIMALS

Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2000

Made

5th October 2000

Coming into operation

1st November 2000

The Department of Agriculture and Rural Development^[1], in exercise of the powers conferred on it by Articles 2(3), 5(1), 19 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981^[2] and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and extension of definitions

1. - (1) This Order may be cited as the Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2000 and shall come into operation on 1st November 2000.

(2) For the purposes of the Diseases of Animals (Northern Ireland) Order 1981 ("the 1981 Order") in its application to this Order -

- (a) the lists of kinds of animal and bird specified in Parts I and II of Schedule 1 to the 1981 Order are extended so as to comprise all mammals except man, and all birds; and
- (b) the lists of diseases specified in Parts III and IV of that Schedule are extended so as to comprise all diseases of animals and poultry.

Interpretation

2. - (1) In this Order -

"animal" includes bird;

"approved disinfectant" means a disinfectant approved for the time being by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972[3];

"market" includes a market place, fairground, sale-yard and any other place where animals or poultry are exposed for sale together with any lair adjoining or used in connection with the market;

"means of transport" includes its fittings, its detachable parts and any containers (whether detachable or not) used with it;

(2) Any notice served under this Order shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by a further notice in writing at any time.

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

3. - (1) This Article shall apply in relation to the cleansing and disinfection of means of transport used for the following animals (other than in the circumstances specified in Schedule 2) -

(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) A person shall not use, or cause or permit to be used, any means of transport to transport any animal to which this Article applies unless the means of transport and any equipment used have been cleansed and disinfected in accordance with Schedule 1 since it was last used to transport -

(a) any animal; or

(b) any thing which may give rise to a risk of transmission of disease.

(3) Without prejudice to the provisions of paragraph (2), if a means of transport has become soiled so that it may give rise to a risk of transmission of disease since being

cleansed and disinfected in accordance with the provisions of paragraph (2), a person shall not load, or cause or permit to be loaded, any animal to which this Article applies into that means of transport unless it has been again cleansed and disinfected in accordance with paragraphs 3 and 4 of Schedule 1.

(4) A person who uses or causes or permits the use of any means of transport to transport any animal to which this Article applies or anything which may give rise to a risk of transmission of disease shall, as soon as reasonably practicable and not more than 24 hours after the journey is completed, ensure that the means of transport and its equipment are cleansed and disinfected in accordance with Schedule 1 or (in the case of a container) destroyed.

(5) Any person transporting or causing or permitting the transport of any animal to which this Article applies shall remove any dead animals, soiled bedding and excreta from the means of transport as soon as possible.

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

4. - (1) This Article shall apply in relation to the transport of -

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

but shall not apply in the case of -

- (i) transport which is not of a commercial nature;
- (ii) an individual animal accompanied by a person having responsibility for that animal during transport;
- (iii) the transport of pet animals accompanying their owner on a private journey.

(2) Any person transporting, or causing or permitting the transport of, any animal to which this Article applies shall ensure that -

- (a) they are loaded on to a means of transport which has been cleansed and, where necessary, disinfected in accordance with Schedule 1; and
- (b) dead animals, soiled litter and excreta are removed as soon as possible.

Disposal of material after cleansing

5. Any person cleansing the means of transport under this Order shall ensure that all feedingstuffs to which animals have had access, bedding, excreta and other material of animal origin, and other contaminants removed from the means of transport are -

- (a) destroyed; or

(b) treated so as to remove the risk of transmission of disease; or

(c) disposed of in such a manner that no animals have access to it.

Powers of inspectors, etc.

6. - (1) Where an inspector is satisfied that a means of transport, or any equipment carried with the means of transport, either -

(a) has not been cleansed and disinfected in accordance with this Order; or

(b) needs to be cleansed and disinfected because it may give rise to a risk of transmission of disease,

he may serve a notice on any person appearing to him to be in charge of that means of transport or equipment.

(2) A notice served under the preceding paragraph may -

(a) prohibit the use of the means of transport or the equipment until it has been cleansed and disinfected;

(b) prohibit the keeping of animals on the means of transport until it has been cleansed and disinfected;

(c) require the person on whom the notice is served to cleanse and disinfect the means of transport or the equipment within any period specified in the notice; or

(d) require the person on whom the notice is served to dispose of all feedingstuffs to which the animals have had access, bedding, excreta and other material of animal origin, and other contaminants in the way set out in the notice.

(3) If a notice is served under paragraph (1), the cleansing and disinfection shall be carried out in accordance with Schedule 1 unless the notice specifies a different method of cleansing and disinfection.

(4) An inspector may serve a notice on any person who is required to carry out cleansing and disinfection in accordance with Article 3 or 4 requiring him to carry out that cleansing and disinfection as specified in the notice instead of in accordance with Schedule 1 if the inspector is satisfied that this is necessary for animal health purposes.

(5) Where a notice is served on any person under this Article he shall comply with the requirements thereof.

(6) Where a person fails to comply with a notice served under this Article, an inspector may, without prejudice to any proceedings for an offence arising out of the default, arrange for the provisions of the notice to be complied with.

Revocation and saving

7. - (1) The Transport of Animals and Poultry (Cleansing and Disinfection) (No. 2) Order (Northern Ireland) 1997^[4] is hereby revoked.

(2) Nothing in this Order shall affect the operation of any other Order, made under the

Diseases of Animals (Northern Ireland) Order 1981, requiring the cleansing and disinfection of vehicles for the purposes of that Order.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on

5th October 2000.

L.S.

R. S. Johnston

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Articles 3, 4, 5 and 6

Cleansing and disinfection of means of transport

Level of cleansing and disinfection

1. All cleansing and disinfection shall be carried out so as to reduce so far as reasonably practicable the risk of transmission of disease.

Parts of the means of transport required to be cleansed

2. - (1) In the case of animals not transported in a container -

(a) the following shall be cleansed whether or not they are soiled -

(i) all the inside surfaces of those parts of the means of transport in which the animals are transported; and

(ii) all parts of the means of transport to which the animals may have had access during the journey; and

(b) the following shall be cleansed if they are soiled -

(i) any detachable fittings not used during the journey;

(ii) any other part of the means of transport;

(iii) any equipment carried during the journey for use with the animals.

(2) In the case of animals transported in a container, the interior of the container shall be cleansed whether or not it is soiled, and the exterior of the container and any parts of the means of transport carrying the container shall be cleansed if they are soiled.

Method of cleansing

3. Cleansing shall be by removing any feedingstuffs to which the animals have had access, bedding, excreta and other material of animal origin, mud and other contaminants using any appropriate means, and then cleaning with water, steam or where appropriate chemicals or chemical compounds (or, if necessary, any combination of these) until free of dirt.

Disinfection after cleansing

4. Everything required to be cleansed under this Order shall be disinfected after cleansing has been completed, using an approved disinfectant at the concentration specified by the manufacturer.

SCHEDULE 2

Articles 3 and 4

Circumstances in which Article 4 applies

Journey made within a single farming enterprise

1. Article 4, rather than Article 3, shall apply if the journey is made within a single farming enterprise in one ownership.

Transport of certain horses

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

- (a) horses used for recreational or sporting purposes only; or
- (b) horses kept at racing stables to or from race meetings, or to or from a place at which horses kept at such stables undergo training for racing.

Journeys between the same two points

3. - (1) Article 4, rather than Article 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) in the case of a hooved animal carried which 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. Article 4, rather than Article 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.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces, with changes, the Transport of Animals and Poultry (Cleansing and Disinfection) (No. 2) Order (Northern Ireland) 1997. The Order implements 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). It also implements Article 12.1(a) of Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine (this Directive was consolidated in the Annex to Council Directive 97/12/EC, O.J. No. L109, 25.4.97, p. 1).

The Order specifies that, after the transport of any hooved animals, and domestic fowls, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites, the means of transport and associated equipment must be cleansed and disinfected in accordance with Schedule 1 before it is used again to transport any such animals (Article 3(2)). It also specifies that, even if this has been done, the means of transport must be cleansed and disinfected again before such animals are transported if the means of transport has become soiled so as to cause a risk of transmission of disease (Article 3(3)). Following a journey, it requires a means of transport to be cleansed and disinfected as soon as reasonably practicable, but in any event within not more than 24 hours (Article 3(4)). It requires any person transporting such animals to remove dead animals, litter and excreta from the means of transport as soon as possible (Article 3(5)).

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, litter and excreta are removed from the means of transport as soon as possible. This does not apply to non-commercial journeys or to the transport of single animals or pets (Article 4).

Article 5 specifies how material removed from the means of transport must be disposed of.

Under Article 6, an inspector is empowered, in the circumstances set out in that Article, to serve a notice requiring a means of transport to be cleansed and disinfected.

The operation of any other Order made under the Diseases of Animals (Northern Ireland) Order 1981 requiring the cleansing and disinfection of vehicles is not affected by anything in this Order (Article 7).

Any person who, without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981 and shall be liable, on summary conviction, either to imprisonment for a term not exceeding one month or to a fine not exceeding level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 animals, not exceeding level 3 on the standard scale (currently £1,000) for each animal.

Notes:

[1] Formerly the Department of Agriculture for Northern Ireland *see* S.I. 1999/283 (N.I. 1)

Article 3(4)[back](#)

[2] S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 23(1) and (2), 24(1) and Schedule[back](#)

[3] S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467[back](#)

[4] S.R. 1997 No. 466[back](#)

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