

Welsh Statutory Instrument 2001 No. 2662 (W.218)

The Transport of Animals (Cleansing and Disinfection) (Wales) Order 2001

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STATUTORY INSTRUMENTS

2001 No. 2662 (W.218)

ANIMALS, WALES

ANIMAL HEALTH

The Transport of Animals (Cleansing and Disinfection) (Wales) Order 2001

<i>Made</i>	<i>20th July 2001</i>
<i>Coming into force</i>	<i>21st July 2001</i>

The National Assembly for Wales and the Minister of Agriculture, Fisheries and Food, acting jointly in exercise of the powers conferred on them by sections 1, 7, 37, 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981^[1] make the following Order:

Title, commencement, application and extension of definitions

1. - (1) This Order may be cited as the Transport of Animals (Cleansing and Disinfection) (Wales) Order 2001 and shall come into force on 21st July 2001.

(2) This Order shall apply to Wales only.

(3) For the purposes of the Animal Health Act 1981 in its application to this Order -

(a) the definition of "animals" ("*anifeiliaid*") in subsection (1) of section 87 of that

Act is extended so as to comprise all mammals except man ;

(b) the definition of "poultry" ("*dofednod*") in subsection (4) of section 87 of that Act is extended so as to comprise all birds;

(c) the definition of "disease" ("*clefyd*") in subsection (1) of section 88 of that Act is extended so as to comprise all diseases of animals; and

(d) the definition of "disease" ("*clefyd*") in subsection (3) of section 88 of that Act is extended so as to comprise all diseases of poultry.

Interpretation

2. - (1) In this Order, unless the context otherwise requires -

"animal" ("*anifail*") includes bird;

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

"Wales" has the same meaning as in the Government of Wales Act 1998^[2].

(2) In this Order, any reference to a numbered article or Schedule is a reference to the article or Schedule so numbered in this Order.

(3) Any notice served under this Order 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 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) the following if they are reared or kept in captivity for breeding, the production of meat or eggs for consumption or for restocking supplies of game: domestic fowls, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites.

(2) Where a means of transport has been used to transport any animal 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 and its equipment are 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 unless the means of transport and its equipment have 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) If a means of transport has become soiled so that it may give rise to a risk of transmission of disease since last being cleansed and disinfected, no person shall load, or cause or permit to be loaded, any animal into the means of transport unless it has been again

cleansed and disinfected in accordance with paragraphs 3 and 4 of Schedule 1.

(5) Any person transporting any animal 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 except man other than hoofed animals;
- (b) all birds not included in article 3; and
- (c) animals 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 the 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, animals where 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. Everything removed from the means of transport in accordance with Schedule 1 shall be -

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

the inspector may serve a notice on any person appearing to the inspector 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 cleaned and disinfected;

(b) prohibit the keeping of animals on the means of transport until it has been cleaned 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 in the way set out in the notice.

(3) If a notice is served under the preceding paragraph, 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 articles 3 or 4 requiring that person to cleanse and disinfect it 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 person fails to comply with a notice served under this article, 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. This Order shall be enforced by the local authority.

Revocations and amendments

8. - (1) The Orders set out in the first column of the table in Part I of Schedule 3 are revoked in so far as they apply in Wales 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 in so far as it applies in Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[3].

J. E. Randerson
Assembly Secretary

20th July 2001

Alun Michael
Minister of State

20th July 2001

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: all the inside surfaces of those parts of the means of transport in which the animals are transported, and 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 animal.

(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 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 a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 1978^[4] at the concentration required under that order for "General Orders".

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 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) 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.

SCHEDULE 3

Article 7

Part I

Revocations

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<i>Instrument revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Transit of Animals Order 1927	SR&O 1927/289	The whole Order
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	The whole Order
The Transit of Animals (Road and Rail) Order 1975	S.I. 1975/1024	Articles 15 and 16 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,
- (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) (Wales) Order 2001".

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order, which applies to Wales only, revokes and replaces, with changes, the instruments dealing with the cleansing and disinfection of means of transport relating to animals set out in Schedule 3 to the Order. It implements paragraph 8 of Chapter 1 of the Annex to Council Directive 91/628/EEC on the protection of animals during transport (OJ 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). It also implements Article 12.1(a), second indent, 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 (OJ No. L109, 25.4.97, p.1).

This Order sets out the following requirements: -

- (a) 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 and associated equipment must be cleansed and disinfected in accordance with Schedule 1 before it is used again to transport those animals (article 3(2) and (4));
- (b) even if the requirement specified in paragraph (a) above has been met, the means of transport must be cleansed and disinfected again before those animals are transported if the means of transport has become soiled so as to cause a risk of transmission of disease (article 3(4));
- (c) following a journey, the means of transport must be cleansed and disinfected as soon as reasonably practicable, but in any event within not more than 24 hours (article 3(3)); and
- (d) any person transporting animals must 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 farming 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 pets or single animals (article 4).

Article 5 specifies how the material 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 Order is enforced by the local authority (article 7).

It revokes the provisions set out in Schedule 3.

Breach of the Order is an offence under section 73 of the Animal Health Act 1981 punishable on conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

A regulatory appraisal has been prepared in accordance with section 65 of the Government of Wales Act 1998 and the Standing Orders of the National Assembly for Wales. Copies can be obtained from the Agriculture Policy Division, National Assembly for Wales Agriculture Department, Cathays Park, Cardiff, CF10 3NQ.

Notes:

- [1] 1981 c.22. *See* section 86(1)(c) for a definition of "Ministers". In relation to Wales, the powers of the Secretary of State for Wales were transferred to the National Assembly for Wales by for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The function of the Secretary of State for Scotland was transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).[back](#)
- [2] 1998 c.38.[back](#)
- [3] 1998 c.38.[back](#)
- [4] S.I. 1978/32 as amended by S.I. 1978/934, S.I 1997/2347 and S.I. 2001/641 (W.31).[back](#)
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