
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 606

ANIMALS

ANIMAL HEALTH

**The Welfare of Animals (Transport)
(Scotland) Regulations 2006**

<i>Made</i>	- - - -	<i>15th December 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th December 2006</i>
<i>Coming into force</i>	- -	<i>25th January 2007</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M1}, and of all other powers enabling them in that behalf, make the following Regulations:

Marginal Citations

M1 1972 c. 68. Section 2(2) was amended by the [Scotland Act 1998 \(c. 46\)](#), [Schedule 8](#), paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

PART 1

Introduction

Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the Welfare of Animals (Transport) (Scotland) Regulations 2006;
- (b) come into force on 25th January 2007; and
- (c) extend to Scotland only.

Interpretation

2. In these Regulations—

“the Act” means the Animal Health Act 1981 ^{M2};

“Council Regulation (EC) No. 1/2005” means Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) 1255/97^{M3}[^{F1}, as amended from time to time];

“Council Regulation (EC) No. 1255/97” means Council Regulation (EC) No. 1255/97 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC^{M4}[^{F2}, as amended from time to time];

[^{F3}“inspector” means a person appointed as an inspector by the Scottish Ministers or a local authority for the purposes of these Regulations; ^{F4}...]

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{M5}[^{F5}and;

“Regulation (EU) 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products]

Textual Amendments

- F1** Words in reg. 2 inserted (13.11.2009) by [The Welfare of Animals \(Transport\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/339\)](#), regs. 1, **2(2)(a)**
- F2** Words in reg. 2 inserted (13.11.2009) by [The Welfare of Animals \(Transport\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/339\)](#), regs. 1, **2(2)(b)**
- F3** Words in reg. 2 inserted (13.11.2009) by [The Welfare of Animals \(Transport\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/339\)](#), regs. 1, **2(2)(c)**
- F4** Word in reg. 2 omitted (6.4.2023) by virtue of [The Welfare of Animals \(Transport\) \(Miscellaneous Amendments\) \(England and Scotland\) Regulations 2023 \(S.I. 2023/287\)](#), regs. 1(2), **5(2)(a)**
- F5** Words in reg. 2 inserted (6.4.2023) by [The Welfare of Animals \(Transport\) \(Miscellaneous Amendments\) \(England and Scotland\) Regulations 2023 \(S.I. 2023/287\)](#), regs. 1(2), **5(2)(b)**

Marginal Citations

- M2** 1981 c. 22, amended by the Animal Health and Welfare (Scotland) Act 2006 asp 11 and the [Animal Health Act 1981 \(Amendment\) Regulations 1992 \(S.I. 1992/3293\)](#).
- M3** O.J. No. L 3, 1.5.2005 p.1.
- M4** O.J. No. L 174, 2.7.1997 p.1.
- M5** 1994 c. 39.

PART 2

Transport of Animals

Transport

3.—(1) A person who fails to comply with the following provisions of Council Regulation (EC) No. 1/2005 is guilty of an offence under the Act—

- (a) Article 3 (general conditions for the transport of animals);

- (b) Article 4(1) (Article 4 relates to transport documentation);
 - (c) Article 5(1) (Article 5 relates to planning obligations for the transport of animals);
 - (d) Article 6(1) [^{F6}and (1A)] (transporters);
 - (e) from 5 January 2008, Article 6(5) [^{F7}and (5A)];
 - (f) Article 7 (prior inspection and approval of means of transport);
 - (g) Points 1.8, 1.9 and 1.11 of Chapter III of Annex I to that Regulation.
- (2) Copies of the documentation referred to in Article 4 of Council Regulation (EC) No. 1/2005 must be kept for 6 months from the date of completion of the journey.

Textual Amendments

- F6** Words in [reg. 3\(1\)\(d\)](#) inserted (31.12.2020) by [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, [4\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in [reg. 3\(1\)\(e\)](#) inserted (31.12.2020) by [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, [4\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Transporters

4. A transporter who fails to comply with the following provisions of Council Regulation (EC) No 1/2005 is guilty of an offence under the Act—
- (a) Article 4(2) (transport documentation);
 - (b) Article 5(2) and (4) (planning obligations for the transport of animals);
 - (c) Article 6(2), (3), (4), (6) and (8) (transporters);
 - [^{F8}(d) Article 6(9) (transporters);]
 - (e) Article 12 (limitation on applications for authorisation).

Textual Amendments

- F8** [Reg. 4\(d\)](#) substituted (31.12.2020) by [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, [4\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Roll-on-roll-off vessels

- 5.—(1) A master of a roll-on-roll-off vessel who fails to comply with point 3.1 of Chapter II of Annex I to Council Regulation (EC) No. 1/2005 is guilty of an offence under the Act.
- (2) No transporter shall transport animals on a roll-on-roll-off vessel unless the master of the vessel has first verified the matters referred to in point 3.1 of Chapter II of Annex I to Council Regulation (EC) No. 1/2005 (additional provisions for transport on roll-on-roll-off vessels).

Organisers

6. An organiser who fails to comply with Article 5(3) and (4) of Council Regulation (EC) No. 1/2005 (planning obligations for the transport of animals) is guilty of an offence under the Act.

Keepers

7. A keeper who fails to comply with Article 8 of Council Regulation (EC) No. 1/2005 (keepers at places of departure, transfer or destination) is guilty of an offence under the Act.

Assembly centres

8. An operator of an assembly centre who fails to comply with Article 9 of Council Regulation (EC) No. 1/2005 (assembly centres) is guilty of an offence under the Act.

Control posts

9.—^{F9}(1) It is an offence under the Act for any person to operate a control post ^{F10}as referred to in Council Regulation (EC) No. 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC unless that post is approved by the Scottish Ministers for that purpose.]

(2) An operator of a control post who fails to comply with the following provisions of Council Regulation (EC) No. 1255/97 is guilty of an offence under the Act—

- (a) Article 4 (use of control posts);
- (b) Article 5 (the operation of control posts); or
- (c) Article 6(1) (confirmation an animal is fit to continue its journey).

Textual Amendments

- F9** Reg. 9(1) substituted (13.11.2009) by The Welfare of Animals (Transport) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/339), regs. 1, 2(3)
- F10** Words in reg. 9(1) inserted (31.12.2020) by The Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/34), regs. 1, 4(4); 2020 c. 1, Sch. 5 para. 1(1)

PART 3

Derogations for road journeys under 12 hours

Application

10. In accordance with Article 18(4) of Council Regulation (EC) No. 1/2005, the derogations in this Part apply in respect of a means of transport by road used for a journey that does not exceed 12 hours in order to reach the final place of destination (“means of transport by road”).

Derogation from inspection and approval

11. For the purposes of Article 18(1) of Council Regulation (EC) No. 1/2005, a means of transport by road used to transport animals other than domestic equidae or domestic animals of bovine, ovine, caprine or porcine species does not require a certificate of approval.

Derogation from requirement for continuous access to water

12. For the purposes of point 1.4(b) of Chapter V of Annex I to Council Regulation (EC) No. 1/2005, during a journey, pigs—

- (a) do not require continuous access to water on a means of transport by road;

- (b) must be offered water at appropriate intervals and afforded an adequate opportunity to drink.

Derogation from insulated roof requirement

13. For the purposes of point 1.1 of Chapter VI to Annex I to Council Regulation (EC) No. 1/2005, the roof on a means of transport by road does not require insulation.

Derogation from temperature requirements

14.—(1) For the purposes of point 3.1 of Chapter VI of Annex I to Council Regulation (EC) No. 1/2005, the temperature on a means of transport by road may fall below 0°C during a journey—

- (a) up to the time when the means of transport by road is first moved at the place of departure; and
- (b) during any unloading and loading occurring at intermediate points in the journey.

(2) But where the temperature falls below 0°C, pigs weighing less than 30 kgs and unaccompanied on the journey by their mother must be provided with adequate quantities of a bedding material appropriate to the species to ensure their thermal comfort.

Derogation from ventilation system requirement

15. The ventilation system on a means of transport by road—

- (a) does not require the capabilities described in point 3.2 of Chapter VI of Annex I to Council Regulation (EC) No. 1/2005;
- (b) must be capable of adjustment so as to ensure that the requirements for temperatures set out in that point and in regulation 14(1) are maintained during the journey.

Derogation from temperature monitoring requirements

16. The temperature monitoring, data recording and warning systems referred to in points 3.3 and 3.4 of Chapter VI of Annex I to Council Regulation (EC) No. 1/2005 are not required on a means of transport by road.

Derogation from navigation system requirement

17. The navigation system referred to in point 4.1 of Chapter VI of Annex I to Council Regulation (EC) No. 1/2005 is not required in a means of transport by road.

PART 4

Approvals

The competent authority

18.—(1) The Scottish Ministers are the competent authority for the purposes of granting and issuing—

- (a) authorisations to transporters in accordance with Articles 10, 11 and 13 of Council Regulation (EC) No. 1/2005;
- (b) certificates of competence in accordance with Article 17(2) of that Regulation;

- (c) certificates of approval of means of transport by road in accordance with Article 18(1) of that Regulation; and
 - (d) certificates of approval of livestock vessels in accordance with Article 19(1) of that Regulation.
- (2) The Scottish Ministers are also the competent authority for–
- (a) receiving notification in accordance with Article 6(2) of Council Regulation (EC) No. 1/2005;
 - (b) receiving documents in accordance with Articles [F11 6(5A)], 6(8), 6(9) and [F12 paragraph 4(c)] of Annex II to that Regulation;
 - F13 (c)
 - F13 (d)
 - (e) recording information in accordance with Articles 19(3) and 19(4) of that Regulation;
 - (f) inspecting livestock vessels in accordance with Article 20 of that Regulation;
 - F14 (g)
 - F14 (h)
 - F14 (i)
 - F15 (j)
 - (k) approving classification societies in accordance with point 1 of Chapter IV of Annex I to that Regulation.
- (3) The Scottish Ministers are the competent authority for the purposes of–
- (a) granting or issuing approvals in accordance with [F16 Article 3] of Council Regulation (EC) No. 1255/97;
 - (b) receiving information on animals passing through a control post in accordance with Article 5(h) and (i) of that Regulation.
- (4) The Scottish Ministers are responsible for exercising the functions [F17 the Appropriate Minister] for the purposes of–
- (a) Council Regulation (EC) No. 1/2005;
 - (b) Council Regulation (EC) No. 1255/97;

F18 ...

Textual Amendments

- F11** Word in reg. 18(2)(b) substituted (31.12.2020) by The Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/34), regs. 1, 4(5)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 18(2)(b) substituted (6.4.2023) by The Welfare of Animals (Transport) (Miscellaneous Amendments) (England and Scotland) Regulations 2023 (S.I. 2023/287), regs. 1(2), 5(3)(a)
- F13** Reg. 18(2)(c)(d) omitted (6.4.2023) by virtue of The Welfare of Animals (Transport) (Miscellaneous Amendments) (England and Scotland) Regulations 2023 (S.I. 2023/287), regs. 1(2), 5(3)(b)
- F14** Reg. 18(2)(g)-(i) omitted (6.4.2023) by virtue of The Welfare of Animals (Transport) (Miscellaneous Amendments) (England and Scotland) Regulations 2023 (S.I. 2023/287), regs. 1(2), 5(3)(b)
- F15** Reg. 18(2)(j) omitted (14.12.2019) by virtue of The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), 21
- F16** Words in reg. 18(3)(a) substituted (31.12.2020) by The Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/34), regs. 1, 4(5)(b); 2020 c. 1, Sch. 5 para. 1(1)

- F17** Words in [reg. 18\(4\)](#) substituted (31.12.2020) by [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, [4\(5\)\(c\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in [reg. 18\(4\)](#) omitted (31.12.2020) by virtue of [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, [4\(5\)\(c\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Approvals, authorisations etc

19. Any approval, authorisation or certificate, issued under these Regulations, Council Regulation [\(EC\) No. 1/2005](#) or Council Regulation [\(EC\) No. 1255/97](#)—

- (a) must be in writing;
- (b) may be made subject to conditions; and
- (c) may be amended, suspended or revoked at any time.

Suspension, revocation of approvals etc

20.—(1) The Scottish Ministers, by notice served on the holder of an approval, authorisation or certificate, may suspend or amend an approval, authorisation, a certificate of approval or a certificate of competence if they are satisfied that any conditions under which it was granted or of any provision of Council Regulation [\(EC\) No. 1/2005](#), Council Regulation [\(EC\) No. 1255/97](#) or these Regulations have been breached.

(2) A suspension under paragraph (1)—

- (a) has immediate effect where the Scottish Ministers consider it necessary for the protection of animal welfare;
- (b) otherwise shall not have effect for at least 21 days following service of the notice.

(3) The notice must—

- (a) give reasons;
- (b) state when it comes into effect and, in the case of a suspension, state on what date or event it is to cease to have effect; and
- (c) explain the right of the recipient of the notice to make written representations to a person appointed by the Scottish Ministers.

(4) Where the notice does not have immediate effect, and representations are made under regulation 21, an amendment or suspension will not have effect until the final determination by the Scottish Ministers in accordance with regulation 21 unless the Scottish Ministers decide that it is necessary for the protection of animal welfare for the amendment or suspension to have immediate effect and give notice to the holder of the approval, authorisation or certificate.

(5) Where a suspension is upheld, the Scottish Ministers may, by notice, revoke an approval, authorisation, certificate of approval or certificate of competence if satisfied that these Regulations, Council Regulation [\(EC\) No. 1/2005](#) or Council Regulation [\(EC\) No. 1255/97](#) will not be complied with.

(6) A notice must not be issued under paragraph (5) until the process in regulation 21 (if any) has been completed.

Representations to an appointed person

21.—(1) A person may make written representations against a refusal, condition, amendment, suspension or revocation to a person appointed for the purpose by the Scottish Ministers.

(2) Representations must be made within 21 days of receiving notification of the Scottish Ministers' decision.

(3) The appointed person must consider the representations and report in writing to the Scottish Ministers.

(4) The Scottish Ministers must give written notification of their final determination and the reasons for it.

PART 5

Miscellaneous

Powers of inspectors

22.—(1) An inspector may, if the inspector considers animals are being transported, or are about to be transported, in a way which—

- (a) contravenes any provision of these Regulations; or
- (b) constitutes an offence against the Act by virtue of these Regulations

serve a notice on the person [^{F19}responsible for the animals on a permanent or temporary basis] requiring that person to take any action necessary to ensure compliance with these Regulations, giving reasons for the requirements.

(2) An inspector may in particular—

- (a) prohibit the transport of the animals, either indefinitely or for a period specified in the notice;
- (b) specify conditions under which the animals may be transported;
- (c) require the journey to be completed or the animals to be returned to their place of departure by the most direct route, provided that this course of action would not cause unnecessary suffering to the animals;
- (d) require the animals not fit to complete their journey to be unloaded, watered, fed or rested;
- (e) require the humane slaughter or killing of the animals; or
- (f) require a means of transport or container to be repaired or replaced before it is used to transport animals.

(3) Where it is necessary for identification purposes, an inspector may mark an animal.

(4) Any person who defaces, obscures or removes any mark applied under paragraph (3) shall be guilty of an offence under the Act.

[^{F20}(5) An inspector may—

- (a) inspect any document for the purpose of ascertaining whether the provisions of these Regulations, Council Regulation (EC) No. 1/2005, or Council Regulation (EC) No. 1255/97 have been complied with; and
- (b) take copies of any such document inspected or any other document inspected in the course of performing official controls under Regulation (EU) 2017/625.]

(6) An inspector may serve on the owner, or any person appearing to the inspector to be in charge of a control post, a notice requiring that person to take any action the inspector reasonably considers necessary to ensure compliance with, or remedy any infringement of, Council Regulation (EC) No. 1255/97.

(7) Without prejudice to the generality of paragraph (6), an inspector may—

- (a) require one or more animals at a control post to be removed from the control post;
- (b) specify conditions under which animals may remain there.

(8) In deciding whether to serve a notice under this regulation, an inspector may take into account any previous failure to comply with any provision of these Regulations, or of any Order made under section 8, 37, 38 or 39 of the Act or [F21 paragraph 13(b)] of Annex II to Council Regulation (EC) No. 1/2005 (return of documents after completion of journey).

(9) Where a person fails to comply with the requirements of a notice served under this regulation, an inspector may take any steps the inspector considers necessary to ensure the requirement is met.

(10) The person in default shall reimburse any reasonable expenses incurred by the Scottish Ministers or the local authority in taking such steps.

Textual Amendments

- F19** Words in [reg. 22\(1\)](#) substituted (13.11.2009) by [The Welfare of Animals \(Transport\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/339\)](#), regs. 1, **2(4)**
- F20** [Reg. 22\(5\)](#) substituted (6.4.2023) by [The Welfare of Animals \(Transport\) \(Miscellaneous Amendments\) \(England and Scotland\) Regulations 2023 \(S.I. 2023/287\)](#), regs. 1(2), **5(4)(a)**
- F21** Words in [reg. 22\(8\)](#) substituted (6.4.2023) by [The Welfare of Animals \(Transport\) \(Miscellaneous Amendments\) \(England and Scotland\) Regulations 2023 \(S.I. 2023/287\)](#), regs. 1(2), **5(4)(b)**

Powers of inspectors: supplementary

23. The following provisions of the Act apply as if these Regulations were an Order made under that Act and as if the definition of animals and poultry in section 87 of that Act were extended to include all vertebrate animals—

- (a) section 60 (duties and authorities of constables);
- (b) section 63 (general powers of inspectors);
- (c) section 64 (powers of inspectors as to poultry);
- (d) section 64A (powers of inspectors relating to [F22 an obligation under [F23 assimilated] law]); and
- (e) section 65(1) to (3) (power to detain vessels and aircraft).

Textual Amendments

- F22** Words in [reg. 23\(d\)](#) substituted (31.12.2020) by [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, **4(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Word in [reg. 23\(d\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 9**

Compliance with notices

24. Any notice served under these Regulations must be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

[F24 Service of notices

24A.—(1) Any notice under these Regulations or any notification of a determination of the Scottish Ministers may be served on the person to be affected by it, either—

- (a) by its delivery to that person;
- (b) by the leaving of it for that person at the last known home or business address; or

- (c) by the sending of it through the post in a letter addressed to that person at the last known home or business address.
- (2) Any reference in these Regulations to anything done in writing or produced in written form includes reference to an electronic communication as defined in the Electronic Communications Act 2000 which has been recorded and is consequently capable of reproduction.
- (3) An electronic communication shall be taken to be received on the day after the day of its transmission.

Textual Amendments

F24 Regs. 24A, 24B inserted (13.11.2009) by [The Welfare of Animals \(Transport\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/339\)](#), regs. 1, **2(5)**

Appeals

- 24B.**—(1) A person may appeal to the sheriff against—
- (a) a determination notified by the Scottish Ministers under regulation 21(4); or
 - (b) a notice served by an inspector under regulation 22.
- (2) An appeal under this regulation shall be made by way of summary application and shall be lodged with the sheriff clerk within the period of 28 days from the day on which the determination was notified or notice was served.
- (3) On special cause being shown, the sheriff may hear an appeal under this regulation notwithstanding that it was not lodged within the time mentioned in paragraph (2).
- (4) For the purposes of an appeal under this regulation, the sheriff may require the Scottish Ministers or the local authority to give reasons for the determination or notice, and the Scottish Ministers or the local authority must comply with such a requirement.
- (5) The sheriff may uphold an appeal under this regulation only if the sheriff considers that the Scottish Ministers or the local authority—
- (a) erred in law;
 - (b) based their determination or notice on any incorrect material fact;
 - (c) acted contrary to natural justice; or
 - (d) exercised their discretion in an unreasonable manner.
- (6) In considering an appeal under this regulation, the sheriff may hear evidence by or on behalf of any party to the appeal.
- (7) On upholding an appeal under this regulation, the sheriff may—
- (a) remit the case with the reasons for such decision to the Scottish Ministers or the local authority for reconsideration; or
 - (b) reverse or modify the determination or notice of the Scottish Ministers or the local authority.
- (8) On remitting a case under paragraph (7)(a), the sheriff may—
- (a) specify a date by which the reconsideration by the Scottish Ministers or the local authority must take place;
 - (b) modify any procedural steps which otherwise would be required in relation to the matter by or under any enactment, Act of the Scottish Parliament and subordinate legislation made under an Act of the Scottish Parliament (including these Regulations).

(9) The sheriff may include in the decision on an appeal under this regulation such order as to the expenses of the appeal as the sheriff thinks proper.

(10) The decision of the sheriff is final.]

Textual Amendments

F24 Regs. 24A, 24B inserted (13.11.2009) by [The Welfare of Animals \(Transport\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/339\)](#), regs. 1, **2(5)**

Production of plans

25.—(1) The owner or charterer of any vessel to be used for the transport of animals must—

- (a) produce to an officer of the Scottish Ministers, on demand, plans of the vessel (including details of its ventilation and any fittings for livestock); and
- (b) provide such information concerning the vessel as the officer considers necessary to enable the officer to ascertain whether the provisions of these Regulations will be complied with during the proposed journey.

(2) No person is obliged by virtue of paragraph (1) to provide any information which that person cannot, with the exercise of reasonable diligence, obtain.

Obstruction

26. No person shall—

- (a) without reasonable cause, fail to give any person acting under Council Regulation (EC) No. 1/2005 or Council Regulation (EC) No. 1255/97^{F25} or Regulation (EU) 2017/625] or these Regulations any assistance or information which that person may reasonably require for the purposes of the latter's functions under Council Regulation (EC) No. 1/2005, Council Regulation (EC) No. 1255/97^{F26}, Regulation (EU) 2017/625] or these Regulations;
- (b) provide false information on any journey log (whether submitted for approval, returned to the officer of the Scottish Ministers after the journey or otherwise) or provide false information on any documentation carried pursuant to Article 4 of Council Regulation (EC) No. 1/2005;
- (c) make an entry in a record or statement, or give any information for the purposes of these Regulations, which that person knows to be false in any material particular or, for those purposes, recklessly makes a statement or gives any information which is false in any material particular; or
- (d) cause or permit any of the above.

Textual Amendments

F25 Words in [reg. 26\(a\)](#) inserted (6.4.2023) by [The Welfare of Animals \(Transport\) \(Miscellaneous Amendments\) \(England and Scotland\) Regulations 2023 \(S.I. 2023/287\)](#), regs. 1(2), **5(5)(a)**

F26 Words in [reg. 26\(a\)](#) inserted (6.4.2023) by [The Welfare of Animals \(Transport\) \(Miscellaneous Amendments\) \(England and Scotland\) Regulations 2023 \(S.I. 2023/287\)](#), regs. 1(2), **5(5)(b)**

Offences by bodies corporate

27.—(1) Where a body corporate is guilty of an offence under the Act by virtue of these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any other person who was purporting to act in any such capacity,

that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) “Body corporate” includes a partnership in Scotland and, in relation to such a partnership, a reference to an officer of a body corporate is a reference to a partner.

Enforcement and offences

28.—(1) These Regulations are enforced by the local authority.

(2) The Scottish Ministers may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) shall be discharged by the Scottish Ministers and not the local authority.

(3) The following provisions of the Act apply as if these Regulations were an Order made under the Act, and as if the definitions of animals and poultry in section 87 of the Act were extended to include all vertebrate animals—

- (a) section 66 (refusal and obstruction);
- (b) section 67 (issue of false licences etc.);
- (c) section 68 (issue of licences etc. in blank);
- (d) section 69 (falsely obtaining licences etc.);
- (e) section 70 (alteration of licences etc.);
- (f) section 71 (other offences as to licences);
- (g) section 72 (offences made and declared by and under this Act);
- (h) section 73 (general offences);
- (i) section 77 (money recoverable summarily); and
- (j) section 79(1) to (4) (evidence and procedure).

(4) No contravention of, or failure to comply with, a provision of these Regulations by the Scottish Ministers, a local authority, a veterinary inspector or an inspector shall constitute a contravention for the purposes of any section listed in paragraph (3).

(5) A person who, by virtue of these Regulations is guilty of an offence under the Act, is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

Revocations

29. The Orders specified in the Schedule to this Order, insofar as they have effect in Scotland, are revoked.

St Andrew's House,
Edinburgh

ROSS FINNIE
A member of the Scottish Executive

SCHEDULE

Regulation 29

Orders revoked

- (1) the Transit of Animals (Road and Rail) Order 1975 ^{M6};
- (2) the Export of Animals (Protection) Order 1981 ^{M7};
- (3) the Welfare of Animals (Transport) Order 1997 ^{M8};
- (4) the Welfare of Animals (Staging Points) Order 1998 ^{M9}; and
- (5) the Welfare of Animals (Transport) (Amendment) Order 1999 ^{M10}.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in Scotland only, revoke the Welfare of Animals (Transport) Order 1997, which implemented Council Directive [91/628/EEC](#) on the protection of animals during transport (O.J. No. L 340, 11.12.91, p.17), and make provision for the administration and enforcement of Council Regulation [\(EC\) No. 1/2005](#) on the protection of animals during transport and related operations and amending Directives [64/432/EEC](#) and [93/119/EC](#) and Regulation [\(EC\) No. 1255/97](#) (O.J. No. L 3, 5.1.2005, p.1.). They also makes provision in Scotland for the administration and enforcement of Council Regulation 1255/97 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive [91/628/EEC](#) (O.J. No. L 174, 2.7.97, p.1.).

Part 2 of the Regulations enforce the requirements of Council Regulation [\(EC\) No. 1/2005](#) in relation to transport (regulation 3), transporters (regulation 4), roll-on-roll-off vessels (regulation 5) organisers (regulation 6), keepers (regulation 7) and assembly centres (regulation 8). It also enforces the requirements of Council Regulation [\(EC\) No. 1255/97](#) in relation to control posts (regulation 9). Regulation 10(1) makes it an offence to operate a control post without prior approval.

Part 3 provides derogations relating to means of transport by road used in respect of journeys not exceeding 12 hours in order to reach the final destination (regulations 11 to 18).

Part 4 provides for the amendment, suspension or revocation of approvals, authorisations or certificates and for representations against a notice to amend, suspend or revoke them (regulations 19 to 22).

Inspectors are given powers to require compliance with the Regulations, including the power to stop a journey (regulations 23 and 24).

Owners or charterers of vessels used to transport animals are required to produce information on demand to an officer of the Scottish Ministers, which may include a plan of the vessel (regulation 25).

The Regulations are enforced by the Local Authority (regulation 28).

Breach of the Regulations is an offence under the Animal Health Act 1981, punishable in accordance with regulation 28.

A regulatory impact assessment has been prepared in respect of these Regulations and has been placed in the Scottish Parliament Information Centre. Copies can be obtained from The Scottish Executive Environment and Rural Affairs Department, Pentland House, Robb's Loan, Edinburgh, EH14 1TY.

Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Animals (Transport) (Scotland) Regulations 2006.