

The Transport of Animals (Cleansing and Disinfection) (England) (No. 2) Order 2003

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2003 No. 1336
The Transport of Animals (Cleansing and Disinfection) (England)
(No. 2) Order 2003

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STATUTORY INSTRUMENTS

2003 No. 1336

ANIMALS, ENGLAND

ANIMAL HEALTH

The Transport of Animals (Cleansing and Disinfection) (England) (No. 2) Order 2003

Made 19th May 2003

Coming into force 11th June 2003

The Secretary of State, in exercise of the powers conferred on her by sections 1, 7, 37, 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981[1], makes the following Order:

Title, commencement, extent and extension of definitions

1. - (1) This Order may be cited as the Transport of Animals (Cleansing and Disinfection) (England) (No. 2) Order 2003 and shall come into force on 11th June 2003.

(2) This Order shall extend to England only.

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

(a) the definitions of animals and poultry in subsections (1) and (4) of section 87 of that Act are extended so as to comprise all mammals except man and all birds; and

(b) the definitions of disease in subsections (1) and (3) of section 88 of that Act are extended so as to comprise all diseases of animals and poultry.

Interpretation

2. - (1) In this Order -

"animal" includes bird;

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

"equipment" means any equipment carried with a means of transport for use with animals.

(2) 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 transport of -

(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,

and references in this article to "animal" shall be construed accordingly.

(2) In the circumstances set out in Schedule 1, the requirements of article 4 shall apply instead of the requirements of this article.

(3) The user of any means of transport which has been used to transport any animal, 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 it and any equipment are cleansed and disinfected in accordance with Schedule 2 or (in the case of a container) destroyed.

(4) 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 any equipment have been cleansed and disinfected in accordance with Schedule 2 since they were last used to transport any animal, or anything which may give rise to a risk of transmission of disease.

(5) If a means of transport or any equipment 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 the soiled parts of the means of transport or the equipment have been again cleansed and disinfected in accordance with paragraphs 1, 3 and 4 of Schedule 2.

(6) Any person transporting animals shall remove any dead 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) 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 1,

and references to "animal" in this article shall be construed accordingly.

(2) This article shall not apply in the case of -

(a) transport which is not of a commercial nature;

(b) an individual animal accompanied by a person having responsibility for the animal during transport; or

(c) the transport of pet animals accompanying their owner on a private journey.

(3) 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; and

(b) dead animals, soiled litter and excreta are removed as soon as practicable.

(4) Cleansing and disinfection under this article shall be carried out in accordance with paragraphs 1, 3 and 4 of Schedule 2.

Drivers' cabs

5. Nothing in this Order shall require the use of disinfectant inside the driver's cab of any means of transport.

Disposal of material after cleansing

6. - (1) The person responsible for cleansing the means of transport and any equipment 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;

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

(c) disposed of so that animals have no access to it.

(2) This article shall not apply to any material required to be disposed of under the Animal By-Products Order 1999[2].
< BR>Powers of inspectors, etc.

7. - (1) Where an inspector is satisfied that a means of transport or any equipment 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 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 2 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 him to carry out the cleansing and disinfection as specified in the notice instead of in accordance with Schedule 2 if he 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

8. This Order shall be enforced by the local authority or the Secretary of State.

Revocations and amendments

9. The Transport of Animals (Cleansing and Disinfection) (England) Order 2003 is revoked[3].

< BR>

Elliot Morley

Parliamentary Under Secretary of State
Department for Environment,
Food and Rural Affairs

19th May 2003

SCHEDULE 1

Articles 3(2) and 4(1)

CIRCUMSTANCES IN WHICH ARTICLE 4 APPLIES TO ANIMALS SPECIFIED IN ARTICLE 3

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 when they are being taken 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) If a means of transport is used exclusively, in the course of a single day, for the transport of animals between the same two points, article 4, rather than article 3, shall apply, except before the first journey and after the last journey of the day.

(2) In this paragraph, the transport of animals takes place in the course of a single day even if -

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

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

(3) This paragraph shall not apply to journeys between two markets.

Journeys to and from livestock shows not in the course of a single day

4. If a means of transport is used for the transport of

animals from their premises of origin to a livestock show and back, and paragraph 3 does not apply, article 4, rather than article 3, shall apply to the means of transport when it is at the show premises provided that -

- (a) the means of transport goes directly from the premises of origin to the show;
- (b) the means of transport does not leave the show before the return journey;
- (c) the only animals on the means of transport while it is at the show are animals that it transported to the show;
- (d) the means of transport only transports on the return journey animals that it transported to the show; and
- (e) the means of transport returns from the show directly to the premises of origin.

Temporary unloading

5. Article 4, rather than article 3, shall apply in relation to 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 2

Articles 3(3), (4) and (5), 4(4), and 7(3) and (4)

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; and

(iii) any equipment.

(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.

(3) For the purposes of article 3, every part of a means of transport required to be cleansed shall also be disinfected.

Method of cleansing

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

Method of disinfection

4. Anything to be disinfected 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".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Transport of Animals

(Cleansing and Disinfection) (England) Order 2003 (S.I. 2003/255). This Order, which extends to England only, implements paragraph 8 of Chapter I 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).

The principal amendments to the Transport of Animals (Cleansing and Disinfection) (England) Order 2003 contained in this Order are -

the simplification of the requirements contained in paragraph 3 of Schedule 1 for the cleansing and disinfection of means of transport used exclusively in the course of a single day for the transport of animals between the same two points; and

the amendment of paragraphs 3 and 4 of Schedule 1 to provide that either of the exemptions contained in those paragraphs from the cleansing and disinfection requirements of article 3 may apply to a means of transport used to transport animals to and from a livestock show, depending on the circumstances.

This Order specifies that, after the transport of any hoofed animals, and domestic fowls, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites, the means of transport and equipment carried with it must be cleansed and disinfected in accordance with Schedule 2 as soon as reasonably practicable, but in any event within not more than 24 hours (article 3(3)). Before a journey transporting any of these animals, it requires a means of transport to have been cleansed and disinfected since it was last used to transport any of these animals (article 3(4)). It also specifies that, even if this has been done, if the means of transport becomes soiled so as to cause a risk of transmission of disease since last being cleansed and disinfected, the soiled parts must be cleansed and disinfected again before such animals are transported (article 3(5)). It requires any person transporting such animals to remove dead animals, litter and excreta from the means of transport as soon as practicable (article 3(6)).

Article 4 applies to all other animals and birds (but not to non-commercial journeys or to the transport of single animals or

pets) and to the circumstances set out in Schedule 1 (where article 3 would otherwise apply). These circumstances relate to journeys on a single enterprise, transport of certain horses, journeys between the same two points and means of transport at a livestock show. Article 4 requires that the animals to which it applies 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 practicable.

Article 6 specifies how the material removed from the means of transport must be disposed of.

Under article 7, 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 or the Secretary of State (article 8).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981 punishable in accordance with section 75 of that Act.

A regulatory impact assessment has not been prepared for this Order.

Notes:

[1] 1981 c. 22. Functions conferred under the 1981 Act on "the Ministers" (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).back

[2] S.I. 1999/646, as amended by S.I. 2001/1704.back

[3] S.I. 2003/255.back

[4] S.I. 1978/32, as amended by S.I. 1994/3141, S.I. 1999/919, S.I. 2000/3195 and, as regards England, S.I. 2001/608.back

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