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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 653**

**The Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005**

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005 and shall come into force on 27th January 2006.

(2) These Regulations extend to Scotland only.

(3) In these Regulations, unless the context otherwise requires—

“animal” includes bird;

“inspector” means an inspector appointed by a local authority under the Animal Health Act 1981(1);

“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);

“sale premises” means premises at which animals are brought together for the purpose of sale; and

“transport of a non-commercial nature” means transport not in the course of a trade or business.

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

**Cleansing and disinfection in relation to the transport of hoofed animals other than horses, racing pigeons and poultry**

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

(a) hoofed animals, other than horses;

(b) racing pigeons; and

(c) domestic fowl, turkeys, geese, ducks, guinea fowl, 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 regulation 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 2, or, where appropriate, destroyed.

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(1) 1981 c. 22.

(2) 1994 c. 39.

(3) No person shall use, or cause or permit the use of, any means of transport to transport any animal to which this regulation applies, unless it has been cleansed and disinfected in accordance with Schedule 2 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 user shall cleanse and disinfect it in accordance with paragraphs (1), (3) and (4) of Schedule 2 before loading animals to which this regulation applies into the means of transport.

(5) Any person transporting any animal to which this regulation 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 other than horses, racing pigeons and poultry in certain circumstances**

3.—(1) Subject to paragraph (2) below, this regulation applies to the transport of—

- (a) all mammals other than hoofed animals;
- (b) all birds not included in regulation 2; and
- (c) animals and birds specified in regulation 2 in the circumstances specified in Schedule 1.

(2) This regulation does not apply in the case of—

- (a) transport of a non-commercial nature;
- (b) a single animal accompanied by a person having the care of, or responsibility for, the animal during transport; or
- (c) 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 disinfected in accordance with paragraphs (1), (3) and (4) of Schedule 2; and
- (b) any dead animal, parts of animals, soiled bedding and excreta are removed from its means of transport as soon as practicable.

### **Cleansing and disinfection in relation to the transport of horses**

4.—(1) Any person transporting, or causing or permitting the transport of, horses shall ensure that—

- (a) they are loaded onto a means of transport which has been cleansed and, where necessary, disinfected; and
- (b) any dead animal, parts of animals, soiled bedding and excreta are removed from the means of transport as soon as practicable.

(2) This regulation shall not apply in the circumstances set out in regulation 3(2) unless the means of transport was last used to transport an animal to which regulation 2 applies.

(3) No person shall use, cause or permit the use of any means of transport to transport any animal to which regulation 2 applies 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 a horse.

(4) Except insofar as otherwise specified, cleansing and disinfection under this regulation shall be carried out in accordance with paragraphs (1), (3) and (4) of Schedule 2.

### **Disposal of material after cleansing**

5.—(1) Everything removed from the means of transport in accordance with Schedule 2 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.

(2) This regulation shall not apply to any material required to be disposed of under the Animal By-Products (Scotland) Regulations 2003<sup>(3)</sup>.

### **Notices**

6. 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.

### **Powers of inspectors**

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

- (a) enter, at any reasonable time, any place other than a dwelling house at which a means of transport is kept;
- (b) enter, at any reasonable time, 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;
- (d) inspect, and take copies of, any document relating to the carriage of animals in the means of transport; and
- (e) inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with any record relating to the carriage of animals in the means of transport; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford to the inspector such assistance as the inspector may reasonably require (including providing any necessary passwords) and, where a record is kept by means of a computer, may require the record to be produced in a form in which they may be taken away.

(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 feeding stuffs to which animals have had access, bedding, excreta and other material of animal origin in the way set out in the notice.

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(3) [S.S.I. 2003/411](#).

(3) Cleansing and disinfection required by a notice under this regulation shall be carried out in accordance with Schedule 2 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.

### **Enforcement**

8.—(1) These Regulations shall be enforced by the local authority in its area.

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

### **Offences and penalties**

9.—(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 served under these Regulations; or

(b) fails without reasonable excuse to comply with any requirement imposed by an inspector in exercise of powers under regulation 7(1) or obstructs any such inspector 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 level 5 on the standard scale.

### **Powers of inspectors in case of default**

10.—(1) If a person fails to comply with a requirement of these Regulations or a requirement contained in a notice served under them, an inspector may take any steps that the inspector considers necessary to ensure the requirement is met.

(2) Any steps taken are without prejudice to proceedings for an offence arising out of the default.

(3) The person in default shall reimburse any reasonable expenses incurred by the Scottish Ministers or a local authority in taking such steps and any such reimbursement is recoverable as a civil debt.

### **Revocation and amendments**

11.—(1) The Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2000 are hereby revoked<sup>(4)</sup>.

(2) The Order specified in Schedule 3 is amended in accordance with that Schedule.

St Andrew's House, Edinburgh  
20th December 2005

*RHONA BRANKIN*  
Authorised to sign by the Scottish Ministers

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(4) [S.S.I. 2000/167](#).