

Subsidiary Legislation made under s.26.

Animals (Transit) Rules

LN.1973/124

Commencement **1.1.1974**

Amending enactments	Relevant current provisions	Commencement date
LN. 1974/081	r. 2	
1987/152	r. 9	26.11.1987
1988/003	r. 5(5)	1.2.1988
1988/089	rr. 3(3)(aa), (4A), 5(1)-(3), (c), (3A), 7(2)	1.9.1988

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ARRANGEMENT OF RULES

Rule

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Title.

1. These rules may be cited as the Animals (Transit) Rules.

Interpretation.

2. In these rules, unless the context otherwise requires—

“animal” means all mammals except man, and any kind of four-footed beast which is not a mammal, all fish, reptiles, crustaceans and other cold-blooded creatures of any species and birds of any species;

“attendant” includes the driver of a road vehicle, and a member of the crew of a vessel or aircraft, in so far as any such person is designated to act as an attendant in respect of animals being carried;

“authorised officer” includes a police officer, an environmental health officer, any person employed as an inspector for the purposes of the Animals and Birds Act and an inspector of the Royal Society for the Prevention of Cruelty to Animals;

“commander” means the member of the flight crew designated as commander of an aircraft by the operator thereof, or, failing such designation, the person who is for the time being the pilot in command of the aircraft;

“master” means any person having charge or command of a vessel, other than a pilot;

“port” means any place in Gibraltar at which animals are loaded into or unloaded out of a vessel, or at which a vessel calls while carrying animals;

“receptacle” means a crate, box or container used for the carriage of animals and which is not an integral part of a vessel, aircraft or vehicle;

“unfit” includes infirm, ill, injured and fatigued;

“vessel” includes hovercraft.

(2) Every duty relating to animals imposed by these rules shall be interpreted in its application to individual animals or to animals of a particular class or species, according to the needs and characteristics of that individual, class or species, as the case may be.

(3) In relation to carriage by sea or air, the provisions of these rules shall apply to animals carried on any vessel or aircraft to or from a port or airport in Gibraltar, whether or not such animals are loaded or unloaded at such port or airport.

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Protection of animals from injury and unnecessary suffering during loading, unloading and carriage.

3.(1) No person shall load any animal into or unload any animal out of a vessel, aircraft or vehicle, or cause or permit any animal to be so loaded or unloaded in a way which is likely to cause injury or unnecessary suffering to the animal; and in the application of this rule to loading, the duty imposed on a person to safeguard an animal from injury or unnecessary suffering shall extend to injury or suffering which is likely to arise during carriage, or at any time during which the animal is in the vessel, aircraft or vehicle.

(2) No person shall carry any animal by sea, air or road or cause or permit any animal to be so carried, in a way which is likely to cause injury or unnecessary suffering to the animal.

(3) Without prejudice to the generality of the foregoing provisions of this rule, it shall be the duty of any person in charge of an animal which is being loaded into, unloaded out of or carried in a vessel, aircraft or vehicle, to ensure that such animal is not, and will not be, caused injury or unnecessary suffering—

- (a) by reason of inadequately constructed or insecure fittings in that part of the vessel, aircraft or vehicle, or in the receptacle in which the animal is to be or is being carried;
- (aa) by reason of the insanitary condition of that part or receptacle or of inadequate provision of litter or other arrangements for maintaining it in a reasonably sanitary condition during the carriage;
- (b) by coming into contact with any fitting or other part of the vessel, aircraft or vehicle which has not been adequately padded or fenced-off, or with any other obstruction;
- (c) from undue exposure to the action of the weather or the sea;
- (d) from an inadequate supply of fresh air, whether the vessel, aircraft or vehicle is stationary or in motion;
- (e) from exposure to undue fluctuations in temperature, humidity or air pressure, or from undue exposure to noise or vibration; or
- (f) from any other cause.

(4) The duty imposed on a person by subrule (3) to ensure that an animal is not caused injury or unnecessary suffering from the causes referred to therein shall extend to any period

during which the animal is waiting to be loaded into or unloaded out of a vessel, aircraft or vehicle.

(4A) The owner of an animal intended to be loaded or his agent shall, not more than seven days and not less than 48 hours before the intended time of loading, give notice in writing to a Government veterinary surgeon specifying the time and place of the intended loading, the vehicle, vessel or aircraft in which the animal is intended to be loaded, and particulars of the equipment and other arrangements for loading; and if such a veterinary surgeon is of the opinion that those arrangements should be modified in order to prevent injury or unnecessary suffering to the animal he may by notice in writing served on the owner or his agent or the person in charge of the loading specify the modifications required, and it shall be the duty of the recipient of the notice to take all reasonable steps to comply with those requirements or to ensure that they are complied with.

(5) Where an authorised officer has reason to believe that an animal loaded in a vessel, aircraft or vehicle is likely, from whatever cause, to be caused injury or unnecessary suffering if carried therein, he may, by notice in writing served on the master of the vessel, the commander of the aircraft or the carrier or his agent, or (in the case of carriage by road) on the person for the time being having charge of the animal, prohibit the carriage thereof, and require the animal to be unloaded forthwith out of the vessel, aircraft or vehicle, and removed to such place as may be specified in the notice.

(6) Animals shall not be carried by sea or air, if, in the judgment of the master or, as the case may be, the commander, there are grounds for believing that, due to adverse weather conditions, the voyage or flight will be attended by serious risk of injury to, suffering by or loss of life among the animals.

Feeding, watering and general care of animals during carriage.

4.(1) It shall be the duty of the owner or charterer of a vessel and of the operator of an aircraft in which animals are being carried by sea or air, and of the carrier or other person in charge of animals being carried by road to ensure that—

- (a) such animals are adequately fed and watered at suitable intervals during carriage, including for this purpose any period during which the animals are waiting to be loaded or unloaded;
- (b) where necessary, adequate supplies of food and water appropriate to the species of animals being carried are available in the vessel, aircraft or vehicle;
- (c) an attendant is available during carriage who shall be responsible for carrying out feeding and watering as required by paragraph (a) and for the general care of the animals in accordance with the provisions of these rules; and

- (d) where necessary, suitable access is readily available to the animals for the purpose of feeding and watering, and for otherwise attending to them as required by these rules, and that, if required, an adequate means of artificial lighting is provided.

(2) The provisions of subrule (1)(c) and (d) shall not apply where animals being carried by air are accommodated in the hold of the aircraft; but in any such case, it shall be the duty of the operator to ensure that such animals are adequately fed and watered and otherwise attended to when the aircraft in which they are being carried is on the ground.

Unfit animals and animals likely to give birth during carriage.

5.(1) Except in the case of carriage by road to a destination within 25 kilometers of the frontier with Spain, no person shall load or cause or permit an animal to be loaded for carriage to any place outside Gibraltar unless, not more than 24 hours before the loading, a Government veterinary surgeon has inspected the animals comprising the consignment and has issued a certificate signed by him stating that they are fit for carriage.

(2) Where an authorised officer is of the opinion that an animal intended to be carried (whether or not loaded in Gibraltar and wherever the destination) is unfit for carriage, he may take such steps as appear to him to be necessary to mark or otherwise identify the animal, and may require the owner or other person in charge thereof to detain the animal at a suitable place pending its examination by a Government veterinary surgeon, and to unload it out of any vessel, aircraft or vehicle for the purpose.

(3) Where a Government veterinary surgeon is satisfied that an animal is unfit for carriage he may serve on the owner or other person in charge of the animal a notice in writing—

- (a) prohibiting absolutely or for such period as may be specified in the notice the carriage or, as the case may be, the further carriage of the animal; or
- (b) permitting the carriage or, as the case may be, the further carriage of the animal subject to such conditions as may be specified in this notice; or
- (c) requiring him to have the animal rested or treated at such place and in such manner as he may specify in the notice and not to move the animal from that place unless such movement is authorised by the notice and is in accordance with the conditions, if any, specified in the notice.

(3A) Mammals likely to give birth during carriage or having given birth during the 48 hours preceding loading shall not be considered to be fit for carriage.

(4) The person in charge of an animal which is to be carried by sea, air or road, shall render such assistance as may be necessary to enable an authorised officer or a Government veterinary surgeon to examine the animal for the purposes of this rule and shall comply with all reasonable requirements of an authorised officer or a Government veterinary surgeon in connection therewith, and with the provisions of a notice served under subrule (3).

(5) The reasonable expenses arising from the exercise of the powers conferred on an authorised officer or a Government veterinary surgeon by the foregoing provisions of this rule shall be recoverable on demand as a civil debt by the Chief Environmental Health Officer from the owner of the animal or his agent, or from the consignor thereof, or from any person on whom a notice under subrule (3) has been served.

Carriage of animals in receptacles.

6.(1) It shall be the duty of the consignor, carrier, or other person for the time being in charge of an animal which is to be carried in a receptacle to ensure that the receptacle—

- (a) is soundly constructed in a manner which is not likely to cause injury to animals carried therein, and is maintained in a good state of repair;
- (b) is suitable for the species of animal to be carried therein;
- (c) is not overcrowded, and that the animals are accommodated in such a way as to avoid any risk of injury or unnecessary suffering;
- (d) has securely attached thereto a label or similar form of notice clearly indicating that the receptacle contains live animals, and stating the species of those animals; and
- (e) bears a sign indicating the upright position thereof.

(2) It shall be the duty of the carrier or other person in charge of an animal which is to be carried in a receptacle to ensure that the receptacle—

- (a) is secured in such a manner as to prevent its displacement by the motion of the vessel, aircraft or vehicle; and
- (b) is so placed in the vessel, aircraft or vehicle as to permit unimpeded access thereto, and adequate ventilation thereof:

Provided that the requirements of paragraph (b) with regard to unimpeded access to a receptacle shall not apply where a receptacle is carried in the hold of an aircraft.

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Accommodation of animals during carriage.

7.(1) It shall be the duty of the carrier or other person in charge of animals being carried to ensure that any vessel, aircraft or vehicle, or any pen therein, in which the animals are being carried is not overcrowded and that the animals are accommodated in such a way as to avoid any risk of injury or unnecessary suffering.

(2) Where two or more animals are being carried together in the same vessel, aircraft or vehicle, the carrier or other person in charge of the animals shall ensure that, where necessary, the animals are separated from each other; and in determining whether it is necessary that such animals should be so separated, he shall have regard to their species, and in particular to any natural hostility which such animals may have towards each other and in certain cases to the need to separate animals according to their age or sex.

Animals injured during carriage.

8.(1) Where an animal is seriously injured during carriage by sea or air, the master or, as the case may be, the commander shall, unless he is of the opinion that the animal can be kept alive and landed without cruelty, cause it to be humanely slaughtered in a manner appropriate to its species:

Provided that this subrule shall not apply to horses being carried by air.

(2) Where an animal is seriously injured during carriage by road, the person in charge of the animal shall without delay arrange either—

- (a) for the animal to receive veterinary treatment; or
- (b) for the animal to be carried with all practicable speed to the nearest place at which it can be slaughtered, if such carriage can be effected without cruelty.

Penalties.

9. A person who contravenes any of the provisions of these rules or who fails to comply with any provision thereof or with the provisions of any notice served under rule 3 or 5 or who causes or permits such contravention or non-compliance is guilty of an offence and is liable on summary conviction to a fine of £200 and to imprisonment for six months.