



ADVICE TO AGRICULTURE MINISTERS  
ON  
TRANSPORTATION OF UNFIT ANIMALS

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## **FARM ANIMAL WELFARE COUNCIL**

### **ADVICE TO MINISTERS ON TRANSPORTATION OF UNFIT ANIMALS**

#### **INTRODUCTION**

1. The Farm Animal Welfare Council is engaged in a study of the transportation of farm animals. As part of this review it has examined the transportation by road of unfit animals which is perhaps one of the most difficult problems which face farmers, hauliers, veterinarians and enforcement officers in the transport area. Although farm casualties represent only a tiny proportion of animals which are transported, the decision to move such animals in the wrong circumstances can lead to extreme abuse of their welfare. Furthermore, for slaughter cases there can be a significant financial incentive for animals which are unfit for transportation to be moved live to a slaughterhouse where their value can be ten times greater than if they were dealt with on the farm and sent to a knacker. These factors, coupled with a lack of knowledge in some quarters of the safeguards contained in welfare legislation, represent a situation which, in the Council's opinion requires urgent attention.

2. All the relevant written and oral evidence submitted to the Council's Transport Working Group was taken into account in preparing the advice contained in this report to Ministers. Further detailed oral evidence on transportation of unfit animals was also taken from a County Council enforcement officer, an Environmental Health Officer and an operator of a slaughterhouse and knacker's yard. There was an overwhelming consensus amongst those who advised the Council that further action was necessary by all concerned with the transportation of unfit animals, including Government and the Enforcement Authorities, to tighten up and clarify current practices and certain parts of the legislation in this area.

#### **LEGISLATION ON TRANSPORT OF UNFIT ANIMALS**

3. The most important provisions on the transport of unfit cattle, sheep, pigs, goats and horses are contained in the Transit of Animals (Road and Rail) Order 1975 (SI 1975/1024). The provisions of this Order are quite clear:-

(i) Article 4 states:-

"No person shall load an animal into or unload an animal out of a vehicle or receptacle, or cause or permit an animal to be so loaded or unloaded, otherwise than in accordance with the following provisions of this Article.

The loading or unloading shall be effected in such a way as will ensure that the animal is not caused injury or unnecessary suffering by reason of -

(a) the excessive use of any instrument or thing used for driving the animal; or

(b) coming into contact with any part of the vehicle or receptacle, or with any fitting thereof or accessory carried therein, or with any other obstruction."

(ii) Article 11(1) states:-

" ..... no animal which is unfit shall be permitted by its owner or his agent or by the consignor, carrier or other person in charge of the animal, to be carried or, where a journey has commenced, to be further carried by road or rail, if by reason of its unfitness, the animal is likely to be subjected to unnecessary suffering".

'animal' refers to cattle, sheep, pigs, goats and horses.

(iii) Article 11(4) states:-

" ..... it shall not be unlawful in the case of an emergency for a road vehicle to be used as an ambulance, and for an unfit animal to be carried therein with all practicable speed direct to a place for veterinary treatment, or to the nearest available place at which it can be slaughtered."

Article 12 of the Order gives powers to Inspectors and Veterinary Inspectors in relation to the detention of unfit animals, and the issue of notices either prohibiting movement of the animal or permitting its movement under conditions.

4. The Transit of Animals (General) Order 1973 (S.I. 1973/1377) contains similar safeguards for other species (except there is no emergency provision (Article 11(4) of the 1975 Order). Furthermore it is an offence under the Protection of Animals Act 1911 Article 1(1)(b) for any person to:-

" ..... convey or carry, or cause or procure, or being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering". In this article the expression 'animal' means any domestic or captive animal.

5. Article 12 of the Order gives powers to Inspectors and Veterinary Inspectors in relation to the detention of unfit animals, and the issue of notices either prohibiting movement of the animal or permitting its movement under conditions

6. In general the provisions of the existing legislation might be considered satisfactory. However the Council is concerned that there is a lack of awareness of the law's requirements particularly amongst farmers transporting their own livestock. There is also a need for better enforcement of the law bearing in mind the financial premium that can be gained by transporting an unfit animal to a slaughterhouse. The situation is not helped by the fact that many road transport journeys take place with little opportunity for enforcement officers to check them.

#### **DEFINITION OF 'UNFIT'**

7. The Council feels that the terms which it and others have used in the past of transporting an animal for "casualty" or "emergency" slaughter do not, on reflection, really help to differentiate between those animals which should or should not be moved. The prime question that needs to be asked by all those concerned is whether it would cause unnecessary suffering for an animal to be moved. If the answer is affirmative then it is clear that the legislation requires that it should not be transported, whatever the precise cause of the injury or illness may be.

8. The Council therefore believes that it would be clearer for all concerned with the transportation of animals to use the definition of unfit animal contained in the 1975 legislation as the baseline for its recommendations. This defines unfit as including:-

"infirm, diseased, ill, injured or fatigued".

#### **AMENDMENTS TO LEGISLATION**

9. There is evidence, endorsed in the submissions made to the Council by the Enforcement Authorities that Article 11(4) of the Transit of Animals (Road and Rail) Order 1975 which permits the transportation of unfit animals in an "emergency" (a term not defined in the legislation) provides a loophole which makes it difficult to prosecute those who are willing to abuse this so-called ambulance provision.

It is therefore recommended that Article 11(4) be deleted from the Order.

Nevertheless the remaining legislation must still provide for the transport of unfit animals in cases where it can be proved that it was in the animal's best interest to move it to the nearest available slaughterhouse or veterinary surgeon for treatment.

10. The Council has heard of cases where large recumbent animals were winched onto vehicles so that they could be taken live to a slaughterhouse. In the Council's opinion such treatment cannot be tolerated. The Council therefore strongly recommends that legislation should be drafted in such a way as to prevent the

transportation alive of any animal which is recumbent and cannot be carried onto a vehicle without difficulty by two men and without causing suffering to the animal.

In practice this concession would only be likely to apply to sheep, small calves and pigs. Any recumbent animals which cannot be loaded and transported under the conditions described should be slaughtered on the farm.

#### **ENFORCEMENT**

11. The Animal Health Act 1981 gives Agriculture Ministers the power to make Orders, such as the ones listed above, to protect animals from unnecessary suffering during transit. This Act also requires that every local authority must appoint as many inspectors and other officers as it thinks necessary for the enforcement of the Act and Orders made under it. The Act specifies that the local authorities responsible for enforcing the transit legislation are:-

(a) In England and Wales

- in the London boroughs, London Borough Councils and the City of London Council which also acts on behalf of some of the London Borough Councils.
- County Councils.

(b) In Scotland

Regional and Islands Councils.

12. We believe that the Ministry's enforcement initiative, which reminded local authorities of their responsibilities under welfare legislation, and the local Welfare Liaison Groups it has established have created a greater awareness amongst enforcement authorities and others to tackle the problem of transportation of unfit animals. However, there is still a need for much better enforcement of the regulations by local authorities as well as continued liaison with Agriculture Departments and all concerned to prevent abuse. We therefore recommend that enforcement authorities be required to ensure they are carrying out their duties with regard to legislation on unfit animals as effectively as possible and advice be given by agriculture departments on how this should be done.

#### **NEED FOR FURTHER GUIDANCE AND CODE OF PRACTICE**

13. Despite the efforts of Agriculture Departments and enforcement authorities there appears still to be some ignorance or confusion in many quarters about the provisions of the law relating to the transportation of unfit animals. It is essential that everybody concerned is well informed about how to deal with an unfit animal. Some enforcement authorities have issued circulars on this subject to

farmers, hauliers, veterinarians and slaughterhouses in their area. We commend such initiatives; however, the humane treatment of unfit animals is such a pressing welfare need that the proliferation of such advice cannot be left to chance. We therefore recommend that Agriculture Departments give urgent guidance to farmers, hauliers, veterinarians and slaughterhouses on the provisions of the law regarding the transportation of unfit animals and how to handle them humanely. Furthermore the Council considers it essential that such guidance should form the basis of a statutory Code of Practice as soon as the primary legislation necessary to implement this can be passed.

14. Such guidance should include advice on:-

- the provisions of the law.
- what is an unfit animal.
- when to call in a veterinary surgeon and his role including certification of fitness to travel.
- when and how an unfit animal should be slaughtered on the farm.
- what must be done with an unfit animal slaughtered on the farm which is sent to an abattoir for human consumption.
- what to do outside of normal slaughterhouse operating hours.
- how to load an unfit animal onto a vehicle when its welfare would be better served by transportation.
- what to do with an unfit animal which needs treatment by a veterinary surgeon rather than immediate slaughter.
- the need for professional hauliers of such animals to be licensed slaughtermen.
- equipment to be carried on vehicles for slaughter at the farm or in transit.
- the care of unfit animals in transit, including provision of bedding.
- the need for advance warning to be given to the slaughterhouse of the arrival of an unfit animal.
- a requirement that unfit animals which are transported live for slaughter must be sent to the nearest abattoir.
- the treatment of unfit animals on arrival at the slaughterhouse.
- the slaughtering of unfit animals on vehicles at abattoirs.
- design and provision of special facilities or equipment necessary to handle unfit animals at the slaughterhouse.

#### VETERINARY CERTIFICATION

15. In the Council's Red Meat Slaughter Report it was recommended that all unfit animals transported live for slaughter should be covered by a statutory veterinary certificate which testifies that the animal is fit to travel to a specified

slaughterhouse in addition to the existing statutory certificate covering fitness for human consumption. At the time the report was written such a certificate was in voluntary use in Scotland. Since then it has also been introduced on the same basis in England and Wales by the British Veterinary Association. In its response to the Council's Report the Government stated that better enforcement rather than more certification was the answer to the problem.

16. The Council has carefully reconsidered this issue and feels that mandatory introduction of the certificate would not necessarily help with the enforcement of the Regulations. Farmers may be reluctant to call in a veterinary surgeon to certify an animal because of the extra expense involved and may prolong its suffering in the hope that it might recover. Furthermore, unless all animals were required to have the certificate when they are transported enforcement authorities would still have to prove that an animal had suffered unnecessarily if it had been moved without such certification. However, we consider that the voluntary certificate serves as a useful aid to limit the movement of unfit animals to the extent that farmers are willing to consult vets and accept their advice. We therefore recommend that Agriculture Departments encourage the use of the voluntary BVA certificate and refer to the advisability of obtaining the certificate in the guidance and Code of Practice that we have recommended be prepared.

#### **ANIMALS SLAUGHTERED OTHER THAN IN ABATTOIRS**

17. There appears to be some confusion about the position of animals slaughtered beyond the confines of abattoirs but which the farmer believes could be suitable for human consumption. This may in some cases inhibit a farmer from having a casualty animal slaughtered in situ because he does not realise that Regulation 19(3) of the Slaughterhouses (Hygiene) Regulations 1977 permits an undressed carcase to be admitted to an abattoir provided that it has been bled and is accompanied by the specified veterinary certificate or, in the case of a sheep, by the owner's declaration. Animals may, therefore, unnecessarily be transported alive to an abattoir in order to obtain a higher price than is available at a knacker's yard.

18. Our domestic legislation does not set a time limit for the interval between slaughter and dressing but requires evisceration to be carried out without delay. Directive 83/90/EEC requires evisceration to be completed not later than 45 minutes after stunning or, in the case of ritual slaughter, half an hour after bleeding.

19. It was suggested to the Council that an extension of the time limits on evisceration would help to encourage on-farm slaughter of unfit animals; however, due to the variations in the rate of decomposition of slaughter casualties the

Council considers that it is not practical to set a time limit for the completion of evisceration in domestic slaughterhouses and in export slaughterhouses the provisions of the Directive must be applied. Nevertheless the Council recommends that publicity be given to the provisions of the law on the admission of carcasses to abattoirs in order to encourage farmers to have unfit animals killed on farm.

20. It must be recognised that some abattoirs may be reluctant to take carcasses at all because the meat of unfit animals does not always prove to be acceptable for human consumption. The Council realises that there are human health considerations to be taken into account in this situation; however, these should be safeguarded by the existing regulations. The Council therefore recommends that abattoirs be encouraged to accept carcasses that are accompanied by the appropriate veterinary certificate or owners' declaration and have been bled in accordance with the Regulations.