STATUTORY INSTRUMENTS

1966 No. 509

ANIMALS

DISEASES OF ANIMALS

The Exported Horses Protection Order 1966

Made - - - - 28*th April* 1966
Coming into Operation 15*th June* 1966

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by sections 1, 20, 23 and 85 of the Diseases of Animals Act 1950(a), as read with the Transfer of Functions (Animal Health) Order 1955(b), as extended to horses by the Diseases of Animals (Extension of Definitions) Order 1952(c) and as adapted to air transport by section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(d), and of all other powers enabling them in that behalf, hereby order as follows:—

Citation and Commencement

1. This Order, which may be cited as the Exported Horses Protection Order 1966, shall come into operation on 15th June 1966.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

" the Act " means the Diseases of Animals Act 1950;

" exempted horse " means a horse which is exempted from examination under section 37 of the Act by any of the provisions of the Export of Horses (Excepted Cases) Order 1966(e);

" horse " includes ass and mule;

" local authority " means a local authority for the purposes of the Act;

" master " includes any person having the charge or command of a vessel except the pilot;

" the Minister ", in its application to horses shipped or intended to be shipped from England and Wales, means the Minister of Agriculture, Fisheries and Food, and in its corresponding application to Scotland, means the Secretary of State;

" pilot ", in relation to an aircraft, means the pilot or other person having the command or charge of the aircraft;

" shipped " means carried by sea or by air and " shipment " shall be construed accordingly;

" veterinary inspector " means a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food.

(a) 1950 c. 36. For change of title of the Minister see S.I. 1955/554 (1955 I, p. 1200).
(b) S.I. 1955/958 (1955 I, p. 1184).
(c) S.I. 1952/1236 (1952 I, p. 128).
(d) 1954 c. 39.
(e) S.I. 1966/508 (1966 I, p. 1074).

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

Restriction on the export of certain horses

3. Subject to the provisions of this Order, no person shall ship, or attempt to ship, any exempted horse other than a horse of the description mentioned in the proviso to this Article, or permit any such exempted horse to be shipped from any place in Great Britain to any place outside the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man unless immediately before shipment the horse has been inspected in accordance with the provisions of this Order by a veterinary inspector, and has been certified in writing by the inspector to be capable of being conveyed to the destination to which it is to be shipped without unnecessary suffering.

Provided that this Article shall not apply to an exempted horse more than fourteen hands in height shipped from any place in Great Britain to any place outside Europe or a foal at foot accompanying such a horse.

Inspection of exempted horses

4.—(1) Any inspection of an exempted horse for the purposes of this Order shall be made immediately before embarkation of the horse or at such other convenient time as may be stipulated by a veterinary inspector, and at a place to be approved by him, and having such facilities for the inspection of horses as may reasonably be required by him.

(2) It shall be the duty of any person exporting any exempted horses required to be inspected under this Order to provide all reasonable facilities and assistance to the veterinary inspector making the inspection.

Exemption for certain horses

5. The Minister may grant a licence authorising the shipment of an exempted horse to which Article 3 of this Order applies without the inspection and certification required under that Article if any of the following conditions are satisfied, viz.:—

(*a*) in relation to a horse more than fourteen hands in height that it is intended for exhibition, racing, jumping or polo;

(*b*) in relation to a thoroughbred horse more than fourteen hands in height that it is intended for breeding;

(*c*) in relation to any horse if the Minister is satisfied that by reason of special circumstances and having regard to the value of the horse and the purpose for which it is to be exported, that an inspection is unnecessary;

(*d*) in relation to a foal at foot, that it is accompanying a horse licensed to be shipped without inspection and certification under the provisions of paragraph (*a*), (*b*) or (*c*) of this Article.

Production of certificates and licences

6. Any certificate or licence issued under this Order authorising the shipment of an exempted horse shall be delivered at the time of shipment to the master of the vessel or pilot of the aircraft on which the horse is loaded, who shall on demand produce the same to any police officer, any officer of the Minister or of the local authority or Customs and Excise and allow such person to take a copy of, or extract from the certificate or licence, and it shall be unlawful for the master or pilot, as the case may be, to allow the horse to be shipped without the delivery of a certificate or licence.

(a) 1889 c. 63.

Expiry of certificate of veterinary inspection

7. Any certificate issued under this Order authorising the shipment of an exempted horse shall specify the date and time of the inspection and shall cease to be valid for the purposes of this Order after the expiry of eighteen hours from the time at which the inspection was carried out.

Information to be given about proposed shipment

8. Where by this Order any exempted horse has to be inspected by a veterinary inspector the person making the application for such inspection shall, if the Minister so requires, supply not less than seven days before the date of shipment, such information in writing as the Minister, having regard to the circumstances of the case, considers necessary for the purpose of ensuring that the horse is properly inspected, including in particular any information so required about—

(*a*) the ownership of the horse, the destination to which it is to be shipped and the method of transport;

(*b*) the date, place and time of shipment;

(*c*) the address of the premises at which it is proposed the horse is to be inspected, the facilities available for that inspection and the date and time at which the horse will arrive there;

(*d*) the date and approximate time of the sailing of the vessel or of the departure of the aircraft on which the horse is to be shipped;

(*e*) the number of horses in the consignment.

Notification by veterinary inspector of unfitness for travel of a horse

9. Where a veterinary inspector is of the opinion that any exempted horse inspected under this Order cannot, owing to infirmity, illness, fatigue or any other cause, be shipped without unnecessary suffering he may serve a notice in writing on the person in charge of it requiring him to comply with such conditions as to rest or other treatment of the horse as may be specified in the notice before proceeding with the shipment of the horse, and it shall be the duty of the person served with the notice to comply with its requirements.

Local Authority to enforce Order

10. This Order shall, except where it is otherwise provided, be executed and enforced by the local authority.

Revocation

11.—(1) The Exported Ponies Protection Order 1958(**a**) is hereby revoked.

(2) Any permit or licence made or having effect under the aforesaid Order, if in force immediately before the coming into operation of this Order, shall thenceforth have effect under and by virtue of this Article.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th April 1966.

(L.S.) *Frederick Peart*,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th April 1966.

(L.S.) *William Ross*,
Secretary of State for Scotland.

(**a**) S.I. 1958/1271 (1958 I, p. 164).

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under the provision of the Export of Horses (Excepted Cases) Order 1966, certain horses exported from Great Britain are exempted from the examination required by section 37 of the Diseases of Animals Act 1950.

This Order requires that horses which are so exempted and which are exported to any place outside the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man (other than horses more than fourteen hands high which are being exported outside Europe or foals accompanying such horses) shall immediately before export undergo inspection by a veterinary inspector and be certified by him to be capable of being conveyed to their destination without unnecessary suffering.