EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

As from 1st May, 1959, by virtue of the Agriculture (Spring Traps) (Scotland) Order, 1958 (S.I. 1958/1778), it will be an offence under Section 50 of the Agriculture (Scotland) Act, 1948, as amended by Section 10 of the Pests Act, 1954, to use for the purpose of killing or taking animals other than foxes or otters any spring trap other than one of a type and make approved by the Secretary of State. The subsection does not, however, apply to traps specified by the Secretary of State as being adapted solely for the destruction of rats, mice or other small ground vermin. By this Order the Secretary of State so specifies two types of small ground vermin traps commonly in use.

DISEASES OF ANIMALS

1958 No. 1271

The Exported Ponies Protection Order, 1958

Made - - - -	31*st July*, 1958
Coming into Operation	18*th August*, 1958

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred upon them by Sections 1, 20 and 23 of the Diseases of Animals Act, 1950(a), (as extended to horses by the Diseases of Animals (Extension of Definitions) Order, 1952(b), and to air transport by Section 11 of the Agriculture (Miscellaneous Provisions) Act, 1954(c)), 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 Ponies Protection Order, 1958, shall come into operation on 18th August, 1958.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

" local authority " means a local authority for the purposes of the Diseases of Animals Act, 1950;

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

" the Minister " means the Minister of Agriculture, Fisheries and Food;

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

" pony " means any horse not more than 14 hands in height, except a foal travelling with its dam if the dam is over 14 hands;

" veterinary inspector " means a veterinary inspector appointed by the Minister.

(a) 14 Geo. 6. c. 36. (b) S.I. 1952/1236 (1952 I, p. 128). (c) 2 & 3 Eliz. 2. c. 39.

(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.

Restriction on the export of ponies to places outside Europe

3.—(1) Subject to the provisions of this Order, no person shall ship, or attempt to ship, any pony or permit any pony to be shipped, by sea or by air from any place in Great Britain to any place outside Europe unless immediately before shipment the pony 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 so conveyed to a port or aerodrome outside Europe without unnecessary suffering.

(2) Any inspection of a pony under this Order shall be made on premises which are adequately equipped for the handling and inspection of ponies, and are approved for that purpose in England and Wales by the Minister, or in Scotland by the Secretary of State.

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

Exemption for certain ponies

4. The Minister in relation to a pony to be shipped from a port or aerodrome in England or Wales, or the Secretary of State in relation to a pony to be shipped from a port or aerodrome in Scotland, may grant a licence authorising the shipment of the pony by sea or by air, as the case may be, without the inspection and certificate required under this Order, either because it is intended for breeding, racing or exhibition, or because he is otherwise satisfied, regard being had to its value and the purpose for which it is to be exported, that an inspection is unnecessary.

Production of certificates and licences

5. Any certificate or licence issued under this Order authorising the shipment of a pony shall be delivered at the time of shipment to the master of the vessel or pilot of the aircraft on which the pony is loaded, who shall on demand produce the same to any constable, any veterinary inspector or any officer of the local authority, 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 pony to be shipped without delivery of the certificate or licence.

Information to be given about proposed shipment

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

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

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

(a) 52 & 53 Vict. c. 63.

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

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

Detention of ponies at place of examination

7. Any person in charge of any pony shall, if a veterinary inspector is of opinion that it is advisable to postpone the inspection of the pony, detain the pony, and if so requested, isolate it from all other ponies, for such period of rest and observation as the inspector may require.

Notification by veterinary inspector of unfitness of pony for carriage by ship or by aircraft

8. Where a veterinary inspector is of opinion that any pony inspected under this Order cannot, owing to infirmity, illness or fatigue or any other cause, be carried without unnecessary suffering, he may place a mark upon the pony and serve a notice in writing on the person in charge of it, requiring its removal from the premises where it was inspected, and it shall be the duty of the person served with the notice to comply with its requirements.

Landing of unfit ponies

9. Where a veterinary inspector is of opinion that any pony on board any ship or aircraft for carriage to any place outside Europe cannot by reason of injury or any other cause be so carried without unnecessary suffering, he may by notice in writing served on the master of the ship or the pilot of the aircraft require the pony to be disembarked, and any failure to comply with such a notice shall be an offence against the Diseases of Animals Act, 1950.

Local authority to enforce Order

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

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-ninth day of July, nineteen hundred and fifty-eight.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this thirty-first day of July, nineteen hundred and fifty-eight.

(L.S.)

John S. Maclay,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under Section 23 of the Diseases of Animals Act, 1950, the Minister and the Secretary of State may make such orders as they think fit for protecting horses carried by sea or air from unnecessary suffering during the passage and on landing, and this Order provides that no pony shall be shipped by sea or by air from Great Britain to any place outside Europe, unless immediately before shipment it has been inspected by a veterinary inspector and has been certified by him to be capable of being conveyed to its destination without unnecessary suffering.

1958 No. 1272

The Horses (Sea Transport) Amendment Order, 1958

Made - - - -	31*st July*, 1958
Coming into Operation	18*th August*, 1958

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, in exercise of the powers conferred upon them by Sections 1, 23 and 85 of the Diseases of Animals Act, 1950(a), (as extended to horses by the Diseases of Animals (Extension of Definitions) Order, 1952(b)), 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 Horses (Sea Transport) Amendment Order, 1958, shall come into operation on 18th August, 1958.

Amendment of Article 4 of the Horses (Sea Transport) Order, 1952

2. Article 4 of the Horses (Sea Transport) Order, 1952(c) shall be altered as follows:—

(*a*) immediately after paragraph (12), (which requires parts of a vessel where horses are carried to be properly lighted), the following paragraph shall be inserted—

"(12A) Where any horses are carried in a vessel on a voyage which takes more than twenty-four hours, lighting in those parts of the vessel in which the horses are carried shall, so far as may be consonant with the safe and proper working and management of the vessel, be dimmed between sunset and sunrise when not required at full strength."

(*b*) for paragraph (17), (which requires the owner of a vessel carrying horses to provide competent persons to care for them), there shall be substituted the following paragraph—

"(17) For the purpose of ensuring the efficient watering, feeding and care of horses during a voyage, the owner of any vessel on which horses are carried shall provide a competent person experienced in the handling of horses, and, where necessary, such number of assistants as will secure the proper care of the horses during the voyage.

(a) 14 Geo. 6. c. 36. (b) S.I. 1952/1236 (1952 I, p. 128).
(c) S.I. 1952/1291 (1952 I, p. 146).