1964 No. 1055

ANIMALS

DISEASES OF ANIMALS

The Markets (Protection of Animals) Order 1964

Made - - - -	8*th July* 1964
Coming into Operation	
(*a*) *except for articles* 4, 5(4) *and* 7	16*th July* 1964
(*b*) *articles* 4 *and* 7	16*th January* 1965
(*c*) *article* 5(4) -	16*th January* 1966

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, by virtue and in exercise of the powers vested in them by sections 1 and 20 of the Diseases of Animals Act 1950(**a**), as amended by section 14 of the Agriculture (Miscellaneous Provisions) Act 1963(**b**), and of all other powers enabling them in that behalf, hereby order as follows :—

Citation, extent and commencement

1. This order, which may be cited as the Markets (Protection of Animals) Order 1964, shall apply throughout Great Britain and shall come into operation on 16th July 1964, except for articles 4 and 7, which shall come into operation on 16th January 1965, and article 5(4), which shall come into operation on 16th January 1966.

Interpretation

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

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

" animals " means cattle, sheep, goats and swine ;

" the appropriate Minister " means, in relation to markets in England, the Minister of Agriculture, Fisheries and Food, and in relation to markets in Scotland, the Secretary of State ;

" awaiting removal " means awaiting removal from a market after being exposed for sale there ;

" calf " means a bovine animal under the age of 6 months, but does not include a calf at foot which has not been housed under cover ;

" exposed for sale " means exposed for sale in a market, and " exposure for sale " shall be construed accordingly ;

" lair " means a building, erection, pen, yard or other enclosure used for the reception or temporary detention of animals before or after their exposure for sale, but does not include a grass enclosure ;

" local authority " has the same meaning as in section 59 of the Act ;

(**a**) 14 Geo. 6. c. 36. (**b**) 1963 c. 11.

" market " means any market-place, fair-ground, highway, saleyard or other premises in or upon which markets, fairs or sales of animals are held at intervals of 24 days or less, and includes any lair adjoining and used in connection with such premises ;

" market authority " means the local authority or person in control of the premises of a market or part of a market.

(2) The Interpretation Act 1889(a) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Treatment and removal of unfit animals

3.—(1) Where in the opinion of a veterinary inspector an animal exposed for sale or awaiting removal is being, or is likely to be, caused unnecessary suffering, by reason of sickness, injury, overstocking of the udder, lack of food or water, exposure to adverse weather, defective accommodation, unsuitable tethering or any other cause, he may (without prejudice to any proceedings which may be taken against any person for a contravention of this order) treat the animal or cause it to be treated and take, or cause to be taken, such other steps as he considers necessary to protect it from such suffering, and he may for any such purpose remove the animal or cause it to be removed to a suitable place in the vicinity and keep it there for as long as he considers necessary for the purpose of treatment or otherwise protecting it from such suffering.

(2) The reasonable cost of treating, removing or keeping an animal or of taking any steps to protect it from suffering in accordance with this article may be recovered by the appropriate Minister from the owner of the animal as a civil debt.

(3) Any person who prevents, or attempts to prevent, the treatment, removal or keeping of an animal or the taking of any steps to protect it from suffering in accordance with this article shall be guilty of an offence against the Act.

(4) Nothing in this article shall prejudice any right of the owner of an animal to remove it from a market at any time, and for this purpose any place at which an animal is being kept in accordance with the provisions of paragraph (1) hereof shall be deemed to be part of the market.

(5) For the purposes of this article " treatment " includes milking and the provision of food and water, and " treat " shall be construed accordingly.

Feeding and watering of animals

4.—(1) Every animal exposed for sale or awaiting removal shall be provided with an adequate quantity of suitable water as often as is necessary to prevent it suffering from thirst.

(2) Without prejudice to the generality of the preceding paragraph, where an animal awaiting removal remains in a market until 5 a.m. on the day following that on which it has been exposed for sale, the animal shall be provided with an adequate quantity of suitable food and water at least once between the commencement of such exposure for sale and either the time of its removal from the market or 9 a.m. on such following day, whichever is the earlier, and thereafter at least once in each complete period of 12 hours beginning or ending with 9 a.m. during which it is awaiting removal.

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

(3) For the purposes of the preceding paragraph any temporary period of absence of the animal from the market shall be part of the period during which it is awaiting removal.

(4) The owner of the animal for the time being, and every person in charge of it, shall take all reasonable steps to ensure that this article is complied with.

Penning of animals

5.—(1) No person shall permit animals exposed for sale or awaiting removal to be penned otherwise than in accordance with the following provisions of this article.

(2) The animals shall be so contained and distributed within the pens as to avoid injury, overcrowding or other cause of unnecessary suffering, regard being had where necessary to unfitness and to differences of age and size.

(3) Every bull shall be kept separate from other animals and secured by the head or neck.

(4) Horned cattle (other than cattle with rudimentary or stub horns which are incapable of causing damage to other cattle) shall be kept separate from cattle without horns unless the cattle of both classes are secured by the head or neck.

(5) Nothing in this article shall require an animal with unweaned young to be kept separate from her young if both the animal and her young are kept separate from all other animals.

Calves, dairy cows in milk and pigs to be kept under cover

6.—(1) Subject to the provisions of the preceding article no person shall permit a calf, dairy cow in milk or pig exposed for sale or awaiting removal to be kept in a market otherwise than under cover of a roof if there is available to him in the market suitable roofed accommodation in which the animal can be kept.

(2) Accommodation shall not be deemed to be available to a person for the purposes of the preceding paragraph if—

(*a*) it is occupied by calves, dairy cows in milk, pigs, unfit animals or animals of a class for which such accommodation has been specially constructed or adapted;

(*b*) the market is divided into separate parts for the conduct of different kinds of sales, with separate accommodation for each part, and the accommodation belongs to a part of the market other than that in which the animal is or has been exposed for sale; or

(*c*) the consent of another person is required for the use of the accommodation and either it has not been reasonably possible to ask for such consent or such consent has been asked for and has been withheld;

but shall otherwise be deemed to be available whether it is occupied by other animals or not.

(3) Nothing in this article shall compel animals of different species to be kept in the same pen or shall affect—

(*a*) the necessary movement of an animal within a market;

(*b*) the exposure for sale of an animal in an open sale ring for such period as is reasonably necessary to enable it to be sold by auction; or

(*c*) the exposure for sale of an animal otherwise than under cover of a roof if the only suitable roofed accommodation which is available in the market is in the lair.

Obligations of market authority

7. The market authority of every market or part of a market in which animals are exposed for sale or awaiting removal shall take all reasonable steps to ensure that—

(*a*) an adequate supply of clean wholesome water is available for them ;

(*b*) adequate facilities in the form of troughs, buckets or drinking bowls are available for watering them ; and

(*c*) pens used for containing them are free from projections or sharp corners likely to cause them suffering.

Enforcement

8. The provisions of this order shall, except where otherwise expressly 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 on 8th July 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 8th July 1964.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

EXPLANATORY NOTE

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

This order, which is made under the Diseases of Animals Act 1950, provides for the protection of cattle, sheep, goats and pigs from unnecessary suffering while exposed for sale in markets or awaiting removal afterwards. Unfit animals (including animals which are overstocked or which need food or water) may be treated and if necessary removed for the purpose by a veterinary inspector at the expense of the owner. Animals must be watered as often as necessary ; they must be fed and watered if they are awaiting removal overnight, and afterwards every 12 hours until they are removed. Provision is made for the penning of animals, including the tying of bulls and the segregation of horned and hornless cattle. Calves, dairy cows in milk and pigs must be kept under cover of a roof where such accommodation is available. Market authorities are obliged to provide a supply of drinking water, facilities for drinking, and pens which are free from injurious projections.

The order comes into operation on 16th July 1964, but the provisions relating to feeding, watering and the obligations of market authorities will not be operative until 6 months later. The segregation of horned cattle becomes obligatory on 16th January 1966.