The Transit of Horses Order, 1951

1951 No. 335

Made - - - - 22*nd February,* 1951

Coming into Operation 19*th March,* 1951

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him by Section 20 of the Diseases of Animals Act, 1950(**a**), and of every other power enabling him in this behalf, hereby orders as follows:—

Short Title and Commencement

1. This Order may be cited as the Transit of Horses Order, 1951, and shall come into operation on the nineteenth day of March, nineteen hundred and fifty-one.

Interpretation

2.—(1) In this Order

" Approved Disinfectant " means any disinfectant which is an approved disinfectant for the purposes of the Diseases of Animals (Disinfection) Order, of 1936(**b**);

" Horse " includes ass, mule and jennet ;

" Inspector " means a person appointed to be an inspector for the purposes of the Diseases of Animals Act, 1950(**a**), by the Minister of Agriculture and Fisheries or by a Local Authority and, when used in relation to an officer of the Ministry, includes a veterinary inspector ; and " Veterinary Inspector " means a veterinary inspector appointed by the Minister of Agriculture and Fisheries ;

" Litter " means straw or other substance commonly used for bedding or otherwise for or about horses ;

" Minister " and " Ministry " mean the Minister and Ministry of Agriculture and Fisheries ;

" Owner " in relation to a mechanically propelled road vehicle means the person in whose name the vehicle is registered under the Vehicle (Excise) Act, 1949(**c**) ;

" Premises " includes land with or without buildings and any market, saleyard, fairground, place of exhibition or lair ;

Road vehicle for the purposes of this Order includes a detachable body used in conjunction with a road vehicle for the conveyance of horses ;

" Small ponies " means ponies of a height to the withers of twelve hands or less.

(2) The Interpretation Act, 1889(**d**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 14 Geo. 6. c. 36.
(b) S.R. & O. 1938 (No. 191) I, p. 303.
(c) 12, 13 & 14 Geo. 6. c. 89.
(d) 52 & 53 Vict. c. 63.

PART 1—PROTECTION OF HORSES DURING CARRIAGE BY RAIL

Construction of Trucks, etc. intended to be used for Carriage of Horses

3.—(1) No horse shall be carried by railway in a truck or other vehicle which is not in accordance with the provisions of this Article.

(2) The truck or other vehicle shall be provided at each end with spring buffers, and in order to provide the horses carried therein with a proper foothold the floor shall either be of an anti-slip design approved by the Minister or be fitted with battens as described in paragraph (3) of this Article or be strewn with a sufficient quantity of litter or sand or other suitable substance.

(3) Where the floor of a truck or other vehicle (other than a horsebox specially constructed for the carriage of not more than three horses) is fitted with battens the battens shall be

(*a*) made of hard wood and screwed or bolted to the floor ; and

(*b*) placed parallel to the ends of the vehicle except between the doorways where they shall be placed parallel to the door-ways.

(4) The truck or other vehicle shall be so constructed

(*a*) as to permit, except in the case of a horse-box, inspection of the interior of the truck or vehicle from outside ;

(*b*) as to be adequately and suitably ventilated ;

(*c*) that the interior thereof shall be free from any boltheads, nuts, screws and angular or other projections likely to cause injury to animals carried therein, and that all internal projections likely to come into contact with horses carried in the vehicle are rounded ;

(*d*) that it has a roof, and falling loading doors of a pattern approved by the Minister ; and

(*e*) as to permit of its being cleansed and disinfected in the manner prescribed by this Order.

(5) Every falling loading door, gangway, passage-way, loading and unloading board shall be fitted with battens or other suitable footholds. Battens should be so fitted as to lie across the passage of any horse.

Carriage by Railway of Mixed Consignments

4.—(1) The following categories of horses, namely (*a*) small ponies, (*b*) asses, (*c*) mules and jennets, and (*d*) other horses, shall not be carried together in the same vehicle unless the categories are separated from each other by a suitable partition.

(2) A mare with a foal at foot shall not be carried in the same vehicle as other animals unless separated from such other animals by a suitable partition.

Overcrowding

5. No truck or other vehicle used for carrying horses on a railway, or any compartment thereof, shall be overcrowded so as to cause injury or suffering to the horses therein.

Water Supply at Railway Stations

6. At any railway station at which horses are loaded, unloaded, or detained during transit, water shall be provided for consumption by any horse which is being carried, or which is about to be carried, or which has been carried by railway.

Feeding and Watering during Transit

7.—(1) The Railway Executive or Railway Company shall supply any horse consigned for carriage by rail, which is in their custody for more than 12 hours continuously, with a sufficient amount of suitable food and water at intervals of not more than 12 hours.

Provided that if the carriage by rail can be completed within 18 hours from the time the horse was last supplied with food by the Railway Executive or Railway Company, or from the time of delivery of the horse to the Railway Executive or Railway Company, it shall be sufficient if the horse is fed and watered immediately on arrival at the end of the rail journey, and unless it is so fed and watered by the consignee the Railway Executive or Railway Company shall so feed and water it.

(2) The consignor, or other person in charge of a horse about to be carried by rail shall, if the journey is likely to exceed 12 hours, feed and water the horse not more than two hours before delivery of the horse into the custody of the Railway Executive or Railway Company, as the case may be.

(3) A label shall be affixed to the outside of the truck or other vehicle in which any horse is carried showing the time when it came into the custody of the Railway Executive or Railway Company and the time or times at which it was fed or watered while in such custody.

Protection of Horses from Weather

8. Any horse being carried by rail shall be protected against suffering due to exposure to the weather. During the months of October to March inclusive any horse, when carried in a truck open at the sides, shall be protected by the use of tarpaulin sheets, and, in addition, any clipped horse shall be provided by the consignor thereof with a suitable rug.

Facilities for Loading and Unloading Horses, etc.

9.—(1) The Railway Executive or Railway Company as the case may be shall provide proper and sufficient accommodation for the loading, unloading or detention of any horse, which is about to be or which has been carried by rail.

(2) All reasonable facilities shall be afforded to an Inspector to enable him to examine any horse at its destination on the railway both before and after the horse has been unloaded.

PART II—PROTECTION OF HORSES DURING CARRIAGE BY ROAD

Construction of Vehicles used for Carriage of Horses

10.—(1) Except as provided in paragraphs 4 and 7 of this Article no horse shall after 30th June, 1951, be carried by road in any vehicle unless the vehicle is constructed and equipped in accordance with the provisions of this Article, and is soundly built and in a good state of repair.

(2) The floor of the vehicle shall, in order to provide horses carried therein with a proper foothold, either be of an anti-slip design approved by the Minister, or be fitted with battens as described herein or be strewn with a sufficient quantity of litter or sand or other suitable substance. The battens which shall be made of hard wood and be not less than two and not more than three inches in width and not less than one and a half inches in depth, shall be placed across the vehicle at not less than nine inches and not more than twelve inches apart, and be screwed or bolted to the floor.

(3) The vehicle shall be so constructed

(*a*) as to enable a protective roof or other suitable covering to be provided for the protection from the weather of any horse carried therein ;

(*b*) as to permit inspection of the interior of the vehicle from outside at a height not greater than four feet and six inches from the ground, provided that a door at the side of the vehicle, other than the door through which the animals are loaded, shall be sufficient to satisfy the requirements of this provision ;

(*c*) as to be adequately and suitably ventilated ; and

(*d*) as to enable a moveable partition not less than four feet six inches in height to be placed from side to side across any vehicle designed so as to be capable of carrying more than one horse. Such partition shall be of sufficient strength to withstand the weight of any horses thrown against it and shall be capable of being securely fixed in such manner as to enable the vehicle to be divided whenever required in the manner provided in Article 11 hereof.

(4) Until 1st January, 1952, the next two succeeding paragraphs shall not apply to any vehicle constructed before 31st March, 1951.

(5) The interior of the vehicle shall be free from any boltheads, nuts, screws and angular or other projections likely to cause suffering to horses carried therein,

Provided that if a wheel-arch be protected with a permanently fitted shield constructed in the manner specified in the First Schedule hereto the shield shall not be deemed to be a projection likely to cause suffering to horses.

(6) A suitable falling loading door, tail-board or ramp which shall be fitted with battens or other proper footholds and with side railings or other effective protection for the purpose of preventing the animals from falling or being injured shall be provided for the loading and unloading of horses, and such falling loading door, tail-board or ramp shall at all times, when the vehicle is being used for the conveyance of animals, be carried on the vehicle.

(7) This Article shall not apply to a motor vehicle registered in a country other than Great Britain or to a trailer registered or normally kept in such country while that motor vehicle or trailer is being used solely for the carriage of horses brought temporarily into Great Britain for racing, breeding or other temporary purpose.

Manner of Carrying Horses

11.—(1) A heavy draught horse to be carried in a road vehicle shall be loaded thereon in such manner as to ensure that it will stand facing the front or the rear of the vehicle throughout the journey.

(2) Not more than three heavy draught horses shall be carried abreast in any road vehicle.

Provided that a second group of not more than three such horses may be carried in the same vehicle if :

(*a*) the length of the vehicle is such that they can be carried without unnecessary suffering ; and

(*b*) the two groups of horses are separated by an adequate partition.

(3) No vehicle used for carrying horses by road shall be overcrowded so as to cause injury or suffering to any of the horses carried therein.

(4) Where the number of horses carried in any road vehicle is less than the maximum number of horses which, regard being had to their size, can be carried in that vehicle without overcrowding, and they are carried athwart the vehicle a partition shall be so placed in the vehicle as to ensure that the horses shall not be thrown about by the movement of the vehicle but not so as to cause overcrowding. Horses facing the front or the rear of the vehicle shall be tied during carriage by means of a light head rope.

(5) The following categories of horses, namely (*a*) small ponies, (*b*) asses (*c*) mules and jennets, and (*d*) other horses, shall not be carried in the same road vehicle unless the categories are separated from each other by a suitable partition.

(6) A mare with foal at foot shall not be carried in the same vehicle as other animals unless separated from such other animals by a suitable partition.

Feeding and Watering during Transit

12. The person in charge of any horse carried by road on a journey which exceeds 12 hours shall supply it with a sufficient amount of suitable food and water. Such food and water shall be supplied at intervals of not more than 12 hours during any journey.

Protection of Horses Carried by Road from Weather

13.—(1) Any horse carried by road shall be protected against suffering due to exposure to the weather, and, where necessary for this purpose, the vehicle in which it is carried shall have erected therein a protective roof or other covering at a height of not less than seven feet from the floor.

(2) A vehicle constructed before 31st March, 1951, may, by a licence signed by an Inspector of the Ministry, be exempted from the provision of this Article relating to the height of the protective roof from the floor of the vehicle,

Provided that such licence may prohibit the use of the vehicle for horses of more than a specified height and for journeys of longer than a stated duration.

Loading and Unloading of Horses carried by Road

14. No horse shall be loaded into or unloaded from any road vehicle except by means of a falling loading door, tail-board or ramp constructed in accordance with the requirements of this Order, unless there are provided at the point of loading or unloading equally suitable facilities for these purposes,

Provided that until 30th June, 1951, this Article shall not apply in respect of any vehicle constructed before 31st March, 1951.

PART III—PROHIBITION OF TRANSIT OF UNFIT HORSES

Carriage of Infirm, etc., Horses

15.—(1) No horse shall be permitted by the owner thereof or his agent or the consignor or any person in charge thereof, to be carried by rail or in any road vehicle if, owing to infirmity, illness, injury, fatigue or any other cause, it cannot be so carried without unnecessary suffering.

(2) This Article shall not prohibit the carriage of a horse by road in a vehicle which is, at the time, being used as an ambulance.

Notification by Inspector of the Unfitness of Horses for Conveyance by Railway or Road

16. Where an Inspector is of the opinion that a horse intended to be carried by rail or in any road vehicle cannot, owing to infirmity, illness, injury, fatigue or any other cause, be so carried without unnecessary suffering, he may serve a Notice to that effect on the person in charge of the horse and thereupon until such Notice is withdrawn by an Inspector it shall not be lawful to carry the horse by rail or in a road vehicle otherwise than with the written authorisation of an Inspector, and then only in accordance with such conditions (if any) as may be specified in the authorisation.

Part IV—Disinfection and General Provisions

Disinfection of Vehicles and other things used for or in connection with the Carriage of Horses

17.—(1) Any vehicle which has been used for the conveyance of any horse shall, as soon as practicable after unloading and before any other horse or any fodder or litter or any other thing intended to be used for or about horses is placed in it, be cleansed and disinfected in the following manner, namely:—

(*a*) the floor, and all parts of the vehicle with which the droppings of horses have come in contact shall be thoroughly sprayed with an approved disinfectant, and shall then be scraped and swept, and the scrapings and sweepings and all dung, sawdust, fodder, litter and other matter shall be effectually removed therefrom;

(*b*) the floor, the aforesaid parts, the sides, and any other parts with which the horses or any discharge from the nostrils of the horses have come in contact shall, after having been thoroughly washed or scoured with water, be disinfected by being coated, washed or saturated with an approved disinfectant.

(2) Any loading board, partition or other thing used in connection with the conveyance of horses or with the loading or unloading thereof shall, whenever the vehicle in connection with which they are used is required by this Order to be cleansed and disinfected, be thoroughly washed or scoured with water and thereafter disinfected with an approved disinfectant.

(3) Where any vehicle or thing aforementioned is used during any one day exclusively for or in connection with the conveyance of horses on more than one journey between the same two points, or for conveying horses to and from shows and races and hunt meetings, it shall be sufficient for the purposes of this Article if the vehicle or thing is cleansed and disinfected as soon as practicable after the last journey.

(4) Notwithstanding the foregoing provisions of this Article, any vehicle or thing aforementioned shall forthwith be cleansed and disinfected as required by this Article by and at the expense of the owner or the person using or in charge thereof, at any time upon receipt by him of a notice in writing signed by an Inspector of the Ministry or of the Local Authority requiring such cleansing and disinfection.

Disposal of Scrapings and Sweepings from Disinfected Vehicles

18. The scrapings and sweepings and all dung, sawdust, litter and other matter removed from any vehicle required by this Order to be cleansed and disinfected shall forthwith be destroyed by fire or be effectually removed from contact with horses.

Records of Horses carried by Road Vehicles

19.—(1) Any person having the management of any road vehicle in which horses are habitually carried shall keep, or cause to be kept, a record in respect of the vehicle in the form set out in the Second Schedule to this Order, or to the like effect, of the particulars therein prescribed.

Provided that no person shall be required to record

(*a*) the movement of a horse between different parts of the same premises ; or

(*b*) the movement of a horse from or to any premises for feeding or watering if within 24 hours the horse is moved back to the premises from which it was so moved ; or

(*c*) the movement of a horse where the time between loading and unloading is less than three hours.

(2) The prescribed particulars shall be recorded in ink or indelible pencil within eighteen hours after completion of the carriage of any horse and the record shall be kept in such a condition that entries are clearly legible.

(3) Any record required by paragraph (1) of this Article to be kept shall be available at the office or usual place of business of the person having the management of the vehicle and shall be retained for a period of three months from the date of the latest entry therein and shall be produced for inspection on demand to an Inspector or police constable. The Inspector shall be entitled to make copies of any entry therein.

(4) The driver of any road vehicle in which horses are carried shall, if the time between loading and unloading is not less than three hours, make entries in a record that shall be carried on the vehicle in ink or indelible pencil of the time of loading, the time and place of feeding and watering, if any, and the time of unloading the horses carried. These entries shall be made when loading, feeding and watering and unloading take place. The record shall be produced for inspection on demand to an Inspector or police constable.

(5) A Local Authority may supply forms of record for the purposes of compliance with this Article to any person in the District of the Local Authority.

Enforcement

20. The provisions of this Order shall be executed and enforced by the Local Authority and the Police.

Revocation

21. The Orders specified in the Third Schedule hereto are hereby revoked to the extent specified therein.

FIRST SCHEDULE
(Article 10)

Method of Construction of Protecting Shield for Wheel Arch in a Road Vehicle

The shield protecting a wheel arch may be constructed of metal, wood or other suitable material, and shall be of such strength as to be able to withstand the weight of the horses thrown against it, and shall be constructed and fitted so that the edges of the shield throughout their entire length make close contact with the side and floor of the vehicle. The wheel arch shall be entirely protected from coming into contact with horses by the protecting shield, the exposed surface of which shall be free from any projecting angles or sharp edges. The exposed surface of the protecting shield shall be in the form of a plain rectangle extended as hereinafter provided. The rectangular part of the shield shall in no case deviate from the vertical more than 20 degrees and shall extend from the floor of the vehicle either to a height of at least three feet (measured vertically from the floor of the vehicle), or to the side of the vehicle whichever is the less. The bottom and top edges of the said rectangular part shall be at least two feet in length and shall be parallel to the side of the vehicle. The said rectangle shall be extended at its sides and, if necessary, at the top and such extended parts shall be curved in order to meet the sides of the vehicle.

Bolts, nuts, screws and other things used for fitting the protecting shield shall be so fitted that they do not project into the interior of the vehicle.

SECOND SCHEDULE

(Article 19)

FORM OF RECORD FOR ROAD VEHICLE

Name and full Address of Owner or other person having the management of Vehicle.....

.....

Description of Vehicle.....

Registration No. (if Motor Vehicle).....

Date on which horses were carried in vehicle	Number and description of horses carried	Address of premises from which moved and/or name and address of person from whom delivery was taken. N.B.—Both of these particulars are to be entered if available	Time of loading	Time or times and place or places of feeding and watering	Address of premises to which moved and/or name and address of person taking delivery. N.B.—Both of these particulars are to be entered if available	Time of unloading	Dates on which vehicle was cleansed and disinfected in accordance with the Transit of Horses Order, 1951, and addresses of premises at which such cleansing and disinfection took place

THIRD SCHEDULE
(Article 21)

ORDERS REVOKED

Departmental Number	Date	Short Title	Extent of Revocation
791	21st December, 1921.	Exportation and Transit of Horses, Asses and Mules Order of 1921(a).	Articles 13 to 19 (inclusive). In Article 22 (1) the words " or used for the loading or unloading of such animals on or from a railway truck or other railway vehicle or otherwise used in connection with the transit of such animals on a railway ". Article 23. Article 24. Article 31 (2).
1346	26th June, 1923	Exportation and Transit of Horses, Asses and Mules (Amendment) Order of 1923(b)	Article 3.
4501	7th November, 1927.	Exportation and Transit of Horses, Asses and Mules (Amendment) Order of 1927(c).	Article 2, paragraphs (2) and (3).
6332	11th October, 1943.	Transit of Horses, Asses and Mules Order of 1943(d).	The whole Order.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twenty-second day of February, nineteen hundred and fifty-one.

T. Williams,
Minister of Agriculture and Fisheries.

EXPLANATORY NOTE

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

This Order regulates the carriage of horses in rail and road vehicles. It requires:—

(i) the vehicles to be suitably constructed and fitted, and to be cleansed and disinfected at intervals; and

(ii) the horses carried in the vehicles to be fed and watered at intervals and to be protected against inclement weather and injury from overcrowding.

(a) S.R. & O. 1921 No. 2008.
(b) S.R. & O. 1923 No. 733.
(c) S.R. & O. 1927 (No. 1052) p. 92.
(d) S.R. & O. 1943 (No. 1460) I, p. 48.