

## **ARE YOU COMPLYING WITH THE NEW WELFARE OF ANIMAL DURING TRANSPORT REGULATIONS?**

**Jacqui Fulton, Equine Lawyer at Blythe Liggins Solicitors in Leamington Spa talks about the legal aspect.**

On 5 January 2007 new rules came into force, which will affect anyone transporting live animals in connection with economic activity. The Regulation is called the Welfare of Animals During Transport Regulations (Council Regulation (EC) No 1/2005).

The Regulation does not include the transportation of animals not in connection with an economic activity, and therefore does not affect a rider who transports their own horse or horses to an event/training session where the purpose of going to the event/training session is for pleasure or competition, not as part of a business.

The Regulation does cover the transport of horses within the EU Community, which takes place in connection with an economic activity. The Regulation guidelines state that an economic activity "includes those who move horses in connection with professional riding, livery, stabling and commercial breeding".

The transport itself does not need to involve the immediate exchange of money or goods. The transport may directly or indirectly involve or aim at financial gain, for example where a horse (which has been brought to sell) is transported to a competition in order to gain a competition record, the transport does not involve the immediate exchange of money, but it does indirectly involve financial gain, as the horse will be sold, usually at a profit.

The Regulation guidance provides a rule of thumb that they would expect an owner or transporter carrying his or another person's horses for profit, or as part of a business, to be covered by the Regulation. The transport of pet animals to and from events, even when they win minor cash prizes, is not covered by the Regulation.

If the Regulation applies to you, you must comply with the following:-

From 5 January 2007 anyone transporting an unregistered horse must complete a Journey Log (which can be found at [www.defra.gov.uk](http://www.defra.gov.uk)). This replaces the existing route plan form (ERA 20).

An Animal Transport Certificate (ATC) is required for any journey over any distance and duration except journeys with an unregistered horse on an export journey over 8 hours, which will require a Journey Log instead (see above). An ATC template can be found at [www.defra.gov.uk](http://www.defra.gov.uk).

From 5 January 2007 a vehicle inspectorate approval scheme has been put into place meaning that all vehicles used for transporting horses on journeys over 8 hours must be inspected and approved by a competent authority. The designated competent authorities in the UK are the Freight Transport Association (e-mail [twells.admin@fta.co.uk](mailto:twells.admin@fta.co.uk)), EFSIS Agriculture (e-mail [fabbl@efsis.com](mailto:fabbl@efsis.com)) and CMI Certification (e-mail [jackie.cleatn@cmicertification.com](mailto:jackie.cleatn@cmicertification.com)). The designated competent authority in Scotland is the Scottish Food Quality Certification (e-mail [info@sfgc.co.uk](mailto:info@sfgc.co.uk)).

Things to come

From 5 January 2008 if the Regulation applies to you, and you are a transporter or attendant using a road vehicle, you will have to receive training in order to obtain a valid certificate of competence where you transport horses over 65km in connection with economic activity.

**Jacqui Fulton is a Solicitor Advocate at Blythe Liggins Solicitors in Leamington Spa. For further advice on the Welfare of Animals During Transport Regulations or for advice on any other equine related legal matter contact Jacqui Fulton at Blythe Liggins on 01926 831 231 or e-mail [jf@blytheliggins.co.uk](mailto:jf@blytheliggins.co.uk)**