

2010 No. 339

WELFARE OF ANIMALS

**The Welfare of Farmed Animals (Amendment) Regulations
(Northern Ireland) 2010**

Made - - - - - *29th September 2010*

Coming into operation - - - - - *29th October 2010*

The Department of Agriculture and Rural Development^(a) makes the following Regulations in exercise of the powers conferred on it by section 2(1) of the Welfare of Animals Act (Northern Ireland) 1972^(b), and being a Department designated^(c) for the purposes of section 2(2) of the European Communities Act 1972^(d) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) after consultation with such persons appearing to it to represent any interests concerned as it considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 29th October 2010.

(2) The Interpretation Act (Northern Ireland) 1954^(e) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Welfare of Farmed Animals Regulations (Northern Ireland) 2000

2. The Welfare of Farmed Animals Regulations (Northern Ireland) 2000^(f) are amended in accordance with the following Regulations.

3.—(1) - In regulation 2(1)—

(a) after the definition of “the Community legislation”, insert—

““conventionally reared meat chicken” means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

(a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;

(b) that is on a hatchery;

(c) in relation to which the term “Extensive indoor (barn reared)”, “Free range”, “Traditional free range” or “Free range – total freedom” can be used within the meaning of point (b), (c), (d) or (e) of Annex V to Commission Regulation (EC)

(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Article 3(4)

(b) 1972 c.7 (N.I.) as amended by S.I. 1994/1891 (N.I.6) Articles 10 and 11

(c) S.I. 2000/2812

(d) 1972 c. 68

(e) 1954 c. 33 (N.I.)

(f) S.R. 2000 No. 270 as amended by S.R. 2002 No. 259 and S.R. 2003 No. 244

No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat^(a);

- (d) that is organically reared in accordance with Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91^(b);
 - (b) “infra-red procedure” means an automated procedure involving exposure of the tip of the beak of a chick to a focused high intensity infra-red beam designed to cause a limited area of tissue damage and subsequent loss of the beak tip;
 - (c) in the definition of “litter”, at the end, insert “and, in relation to conventionally reared meat chickens, material which is dry and friable on the surface”; and
 - (d) in the definition of “usable area”—
 - (i) after “means”, insert “, in relation to laying hens,”,
 - (ii) at the end, insert “, and, in relation to conventionally reared meat chickens, a littered area accessible to the chickens at any time.”.
- (2) In paragraph (3A)—
- (a) after 91/630/EEC, omit “and” and insert “,”;
 - (b) after 2001/88/EC, omit “and” and insert “,”;
 - (c) after 2001/93/EC, insert “and in relation to conventionally reared meat chickens, Council Directive 2007/43/EC ^(c)”.

4. After regulation 5A, there shall be inserted—

“Additional duties on owners and keepers of conventionally reared meat chickens

5B.—(1) The owner and the keeper of conventionally reared meat chickens shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 3E.”.

5. In Schedule 1—

- (a) in paragraph 2(3)(b), omit “and”;
- (b) at the end of 2(3)(c), omit ”.” and insert “; and”.
- (c) after sub-paragraph 2(3)(c) insert—

“(d) in the case of conventionally reared meat chickens, paragraph 8 of Schedule 3E”
- (d) in paragraph 7—
 - (i) in sub-paragraph (b)(iii), omit “or”;
 - (ii) for sub-paragraph (b) (iv) substitute—

“(iv) in the case of conventionally reared meat chickens, paragraph 10 of Schedule 3E, or
 - (v) in any other case, paragraph 2 of this Schedule.”.

6. For Schedule 3 there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

7. Paragraph 9 of Schedule 3D is substituted by—

“9.—(1) For laying hens and chicks that are intended to become laying hens, which are kept on establishments with 350 or more such birds, beak trimming—

(a) O.J. No. L 157, 17.6.08, p 46, to which there are amendments and corrections not relevant to these Regulations
(b) O.J. No. L 189, 20.7.07, p 1, as amended by Council Regulation (EC) No. 967/2008 (O.J. No. L 264, 3.10.08, p 1)
(c) O.J. No. L 182, 12.07.07, p 19

- (a) may only be performed in order to prevent feather pecking or cannibalism;
- (b) may only be carried out using infra-red technology;
- (c) may not be performed on birds which are aged 10 days or over; and
- (d) must be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure; and
- (e) must be carried out in accordance with the provisions of the Veterinary Surgery (Exemptions) Order 1962(a).

(2) Sub-paragraphs (1)(b) and (c) do not apply where the procedure is carried out in an emergency in order to control an outbreak of feather pecking or cannibalism.”.

8. After Schedule 3D there shall be inserted the Schedule set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 29th September 2010.



C. McMaster

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 6

“SCHEDULE 3

Regulation 5

ADDITIONAL CONDITIONS UNDER WHICH POULTRY (OTHER THAN THOSE KEPT IN THE SYSTEMS REFERRED TO IN SCHEDULES 3A, 3B AND 3C) MUST BE KEPT

1.—(1) Where any poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) are kept in a building they shall be kept on, or have access at all times to, well-maintained litter or to a well-drained area for resting.

(2) For all poultry, the beak trimming procedure must be performed in accordance with the Veterinary Surgery (Exemptions) Order 1962.”

SCHEDULE 2

Regulation 8

“SCHEDULE 3E

Regulation 5B

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CONVENTIONALLY REARED MEAT CHICKENS

PART I

Interpretation

Interpretation

1. In this Schedule—

“chicken” means an animal of the species *Gallus gallus* kept for meat production;

“cumulative daily mortality rate” means the sum of daily mortality rates;

“daily mortality rate” means the number of chickens which have died in a house on the same day including those that have been culled either for disease or because of other reasons divided by the number of chickens present in the house on that day, multiplied by 100;

“Department” means the Department of Agriculture and Rural Development;

“flock” means a group of chickens which are placed in a house of a holding and are present in this house at the same time;

“food business operator” has the same meaning as it has in Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety^(a);

“holding” means a production site on which chickens are kept;

(a) O.J. No. L 31, 1.2.02, p 1; last amended by Regulation (EC) No 596/2009 (O.J. No. L 188, 18.7.09, p 14)

“house” means a building on a holding where a flock of chickens is kept;

“keeper” means any natural or legal person responsible for or in charge of chickens in terms of contract or by law whether on a permanent or temporary basis;

“official veterinarian” has the same meaning as it has in Regulation 853/2004 and Regulation 854/2004;

“owner” means any natural or legal person or persons owning the holding where chickens are kept;

“poultry” means any bird reared or kept in captivity for the production of meat or eggs for consumption, or of other products, for restocking supplies of game or for the purpose of any breeding programme for the production of such categories of birds;

“Regulation 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin**(a)**;

“Regulation 854/2004” means Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption**(b)**;

“stocking density” means the total live weight of chickens which are present in a house at the same time per m² of usable area;

“working day” means a day other than a Saturday or a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971**(c)**.

PART II

General additional conditions

Training

2.—(1) The keeper must hold a certificate recognised by the Department for the purposes of Article 4(3) or (4) of Council Directive 2007/43/EC**(d)** (certificates of completion of training courses or equivalent experience).

(2) The Department must publish from time to time, in such a way as it considers appropriate, a list of certificates recognised by it for the purposes of sub-paragraph (1).

Drinkers and feeding

3.—(1) Drinkers must be positioned and maintained in such a way that spillage is minimised.

(2) Feeding must be either continuously available or meal fed.

(3) Feeding must not be withdrawn from the chickens more than 12 hours before the expected slaughter time.

Litter

4. All chickens must have permanent access to litter that is dry and friable on the surface.

(a) O.J. No. L 226, 25.6.04, p 22; last amended by Regulation (EC) No 219/2009 (O.J. No. L 87, 31.3.09, p 109)

(b) O.J. No. L 226, 25.6.04, p 83; last amended by Regulation (EC) No 219/2009 (O.J. No. L 87, 31.3.09, p 109)

(c) 1971 c. 80 to which there is an amendment not relevant to these Regulations

(d) O.J. No. L 182, 12.7.07, p 19

Ventilation and heating

5. Ventilation must be sufficient to avoid overheating and, where necessary, in combination with heating systems to remove excessive moisture.

Noise

6. In all houses—

- (a) the sound level must be minimised, and
- (b) ventilation fans, feeding machinery or other equipment must be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

Light

7.—(1) All houses must have lighting with an intensity of at least 20 lux during the lighting periods, measured at bird eye level and illuminating at least 80% of the useable area.

(2) A temporary reduction from that lighting level is permitted where necessary following veterinary advice.

(3) Within 7 days from the time when the chickens are placed in the house and until 3 days before the foreseen time of slaughter, the lighting must follow a 24-hour rhythm and include periods of darkness lasting at least 6 hours in total, with at least one uninterrupted period of darkness of at least 4 hours, excluding dimming periods.

Inspection

8.—(1) A keeper must ensure that all chickens kept on the holding are inspected at least twice a day.

(2) Special attention must be paid to signs indicating a reduced level of animal health and welfare.

(3) Chickens that are seriously injured or show evident signs of health disorder (including those having difficulties in walking, severe ascites or severe malformations), and are likely to suffer, must receive appropriate treatment or be culled immediately. A veterinarian shall be contacted whenever necessary.

Cleaning

9. After the final depopulation of a house and before a new flock is introduced—

- (a) any part of a house, and any equipment or utensil, which has been in contact with chickens must be thoroughly cleaned and disinfected, and
- (b) all litter must be removed and clean litter provided.

Record keeping

10.—(1) The keeper must maintain, for each house in which chickens are kept, a record of—

- (a) the number of chickens introduced;
- (b) the useable area;
- (c) the hybrid or breed of the chickens (if known);
- (d) the number of chickens found dead, with an indication of the causes (if known), as well as the number of chickens culled with cause, on each inspection; and

- (e) the number of chickens remaining in the flock following the removal of chickens for sale or slaughter.
- (2) The record must be retained for at least 3 years and shall be made available to the Department when carrying out an inspection or when otherwise requested.

Mutilations

- 11.** For conventionally reared meat chickens the procedure of beak trimming—
- (a) may only be performed in order to prevent feather pecking and cannibalism;
 - (b) may not be performed on birds which are aged 10 days or over;
 - (c) must be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure;
 - (d) must only be carried out if authorised in writing by a Departmental veterinarian; and
 - (e) must be carried out in accordance with the provisions of the Veterinary Surgery (Exemptions) Order 1962.

PART III

Stocking densities

Notification of stocking density

12.—(1) The keeper must ensure that the Department is notified of the intended stocking density of each house where it is intended to keep chickens at a density greater than 33 kilograms per m², and of any subsequent change to that notified density.

(2) Notification must be made in such manner and form as the Department may require.

(3) Subject to sub-paragraph (5), in the case of any stocking density in excess of 33 kilograms per m² of usable area, notification (including notification of any change) must be given at least 15 working days before stocking at that density or changed density takes place.

(4) If requested by the Department, the notification referred to in sub-paragraph (1) shall be accompanied by a document summarising the information contained in the documentation required under paragraph 14.

(5) Stocking at a density in excess of 39 kilograms per m² of usable area must not take place until it has been approved under paragraph 15.

Stocking density limits

13.—(1) Unless sub-paragraph (2) or (3) applies, the stocking density must not exceed 33 kilograms per m² of usable area.

(2) A stocking density in excess of 33 kilograms and up to 39 kilograms per m² of usable area may be used if the requirements of paragraph 14 are complied with.

(3) A stocking density in excess of 39 kilograms and up to 42 kilograms per m² of usable area may be used if—

- (a) the requirements of paragraph 14 are complied with; and
- (b) the Department has approved stocking at that density in accordance with paragraph 15.

Requirements for higher stocking densities

14. The requirements of this paragraph are that the keeper must—

- (a) maintain and keep available in the house compiled documentation giving a detailed description of the production systems, including information on technical details of the house and its equipment, such as—
 - (i) a plan of the house including the dimensions of the surfaces occupied by the chickens;
 - (ii) ventilation and any relevant cooling and heating system (including their location), and a ventilation plan, detailing target air quality parameters (such as airflow, air speed and temperature);
 - (iii) feeding and watering systems (and their location);
 - (iv) alarm and backup systems in the event of a failure of any equipment essential for the health and well-being of the chickens; and
 - (v) floor type and litter normally used.
- (b) keep the documentation referred to in sub-paragraph (a) updated, including recording technical inspections of the ventilation and alarm systems.
- (c) ensure that each house of a holding is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that—
 - (i) the concentration of ammonia does not exceed 20 parts per million and the concentration of carbon dioxide does not exceed 3000 parts per million, when measured at the level of the chickens' heads;
 - (ii) when the outside temperature measured in the shade exceeds 30°C, the inside temperature does not exceed the outside temperature by more than 3°C; and
 - (iii) when the outside temperature is below 10°C, the average relative humidity measured inside the house during a continuous period of 48 hours does not exceed 70%.

Approval for stocking in excess of 39 kilograms

15.—(1) The owner or keeper may apply to the Department for approval to use a stocking density in excess of 39 kilograms and up to 42 kilograms per m² of usable area.

(2) Applications must be made in such manner and form as required by the Department.

(3) The Department shall not approve an application unless satisfied that—

- (a) the requirements of paragraph 14 are complied with;
- (b) any inspections of the holding by an inspector during the two years prior to the date of the application have not revealed a failure to comply with the requirements of these Regulations (or, where the inspection took place before the coming into force of this paragraph, what would have been a failure had this regulation been in force at the time);
- (c) inspections of the holding by the owner or keeper have been carried out in accordance with a relevant statutory welfare code (which has the meaning given to it in regulation 2(1) of these Regulations; and
- (d) in at least seven consecutive, subsequently checked flocks from a house the cumulative daily mortality rate was below 1% + (0.06% multiplied by the slaughter age of the flock in days).

(4) Sub-paragraph (3)(d) shall not prevent an application being approved in any case where the Department is satisfied that there is a sufficient reason for a higher mortality rate which is beyond the control of the owner or keeper.

(5) For the purposes of sub-paragraph (3)(b), if there has been no inspection during the two years prior to the date of the application, one must be carried out by an inspector (in which case, that sub-paragraph is read as if the words “during the two years prior to the date of the application” were omitted .

(6) The Department may withdraw approval if no longer satisfied of the matters referred to in sub-paragraph (3).

PART IV

Monitoring and follow up at the slaughterhouse

Food chain information and chickens dead on arrival and mortality

16.—(1) For the purposes of Section III (food chain information) of Annex II to Regulation 853/2004, the daily mortality rate and cumulative daily mortality rate and the hybrid or breed of chickens from a flock with a stocking density in excess of 33 kilograms per m² of usable area is treated as relevant food safety information.

(2) A food business operator operating a slaughterhouse must—

- (a) under the supervision of the official veterinarian, record the number of chickens from such a flock that are dead on arrival at the slaughterhouse;
- (b) provide that information on request to the official veterinarian;
- (c) request the keeper of such a flock to supply the following information as part of the food chain information:
 - (i) the daily mortality rate;
 - (ii) the cumulative mortality rate; and
 - (iii) the hybrid or breed of chickens.
- (d) record these data, indicating the holding and the house of the holding.

(3) The keeper must make these data available to the official veterinarian, the Department and receiving food business operators on request.

(4) Under the supervision of the official veterinarian the plausibility of the data and of the cumulative daily mortality rate shall be checked, as required, taking into account the number of chickens slaughtered and the number of chickens dead on arrival at the slaughterhouse.

Identification of poor welfare conditions and follow up

17.—(1) Under the supervision of an official veterinarian conducting controls under Regulation 854/2004 in relation to chickens—

- (a) the results of their post mortem inspection shall be evaluated, as required, to identify possible indications of poor welfare conditions in their holding or house of origin; and
- (b) if the mortality rate of the chickens or the results of the post mortem inspection are consistent with poor animal welfare conditions, this data shall be reported to the Department and keeper without delay.

(2) On receipt of such a report the keeper must take all reasonable steps to ensure the welfare of the chickens in the holding or house of origin.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare of Farmed Animals (Northern Ireland) Regulations 2000 (S.R. 2000 No. 270) to implement Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production (OJ No L 182, 12.7.07, p 19).

The amendments to the Welfare of Farmed Animals (Northern Ireland) Regulations 2000 are as follows.

Regulation 2 (definitions and interpretation provision) is amended, including the insertion a definition of “conventionally reared meat chicken” (which covers chickens kept for meat production, except for those on holdings with fewer than 500 chickens or with only breeding stocks; which are on hatcheries, or which are barn reared, free range or organically-produced) (regulation 2).

Regulation 5B (additional duties on owners and keepers) is added to provide that owners and keepers of conventionally reared meat chickens are required to comply with a new Schedule 3E (regulation 4).

Schedule 1 (general conditions under which farmed animals must be kept) is amended to include provisions relating to conventionally reared meat chickens (regulation 5).

Schedule 3D has been amended to remove the date the derogation on beak trimming of poultry that are intended to become laying hens, shall end. The Regulations make further provision about the procedures which may be carried out in the case of conventionally reared meat chickens and laying hens (including chicks that are intended to become laying hens).

A new Schedule 3E is added, which sets out additional conditions that relate to conventionally reared meat chickens (regulation 6).

Regulation 13 of the Welfare of Farmed Animals Regulations (Northern Ireland) 2000 contains offences relating to the contravention of, or non-compliance with, the Regulations.

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