

**2011 No. 407**

**WELFARE OF ANIMALS**

**The Welfare of Animals (Slaughter or Killing) (Amendment)  
Regulations (Northern Ireland) 2011**

*Made* - - - - - *5th December 2011*

*Coming into operation* - *1st January 2012*

The Department of Agriculture and Rural Development is a department designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the common agricultural policy of the European Union.

The Department of Agriculture and Rural Development, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954<sup>(c)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendments to the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996**

3. The Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996<sup>(d)</sup> are amended in accordance with regulations 4 to 17.

**The killing of animals elsewhere than in a slaughterhouse or knacker's yard**

4. In paragraph (2) of regulation 15, after the word "slaughterhouse" insert the words "or knacker's yard."

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(a) S.I. 2000/2812

(b) 1972 c.68

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

(d) S.R. 1996 No. 558 as amended by S.R. 2002 No. 304 and S.R. 2008 No. 277; there are other amendments which are not relevant to these Regulations.

## Offences and penalties

5. After regulation 26, insert—

### “Time limits for summary prosecutions

**26A.—(1)** Notwithstanding anything in Article 19(1) of the Magistrates’ Courts (Northern Ireland) Order 1981(a), a magistrates’ court may hear and determine a complaint relating to an offence under these Regulations if the complaint is made—

- (a) before the end of the period of three years beginning with the date of the commission of the offence, and
- (b) before the end of the period of twelve months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to their knowledge.

(2) For the purposes of paragraph (1)(b)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor’s knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.”.

## Methods of killing animals

6. In Schedule 5, Part III, in paragraph 13(e), after the word “slaughterhouse” insert the words “or knacker’s yard”.

## The killing of birds by exposure to gas mixtures

7. In Schedule 7, Part III, in paragraph 7(2), for head (b) substitute—

- “(b) any mixture of argon, nitrogen, or other inert gases with atmospheric air and carbon dioxide provided that the carbon dioxide concentration does not exceed 30% by volume and the oxygen concentration does not exceed 2% by volume; or
- (c) a biphasic carbon dioxide gas mixture comprising a gas mixture containing up to 40% by volume of carbon dioxide (phase 1), followed by a gas mixture containing a minimum of 70% by volume of carbon dioxide (phase 2).”.

## Construction of the chamber

8. In Schedule 7, Part III, in paragraph 8(c)(iii), for heads (aa) and (bb) substitute—

- “(aa) where the gas mixture used is that mentioned at paragraph 7(2)(a) above, if the concentration by volume of oxygen rises above 5% for more than 30 seconds;
- (bb) where the gas mixture used is that mentioned at paragraph 7(2)(b) above, if the concentration by volume of carbon dioxide rises above 30%;
- (cc) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, if the concentration by volume of carbon dioxide rises above 40% during phase 1; and
- (dd) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, if the concentration by volume of carbon dioxide falls below 70% during phase 2. ”.

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(a) 1981 No.1675 (N.I. 26)

### **The operation of the chamber**

9. In Schedule 7, Part III,—

(a) in paragraph 9, for sub-paragraph (a) substitute—

“(a) (i) where the gas mixture used is that mentioned at paragraph 7(2)(a) or 7(2)(b) above, the birds are exposed to the gas mixture for long enough to ensure that they are killed;

(ii) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, the birds are exposed to the phase 1 gas mixture for long enough to ensure that they are unconscious, before they are exposed to the phase 2 gas mixture for long enough to ensure that they are killed. In all cases birds must remain unconscious from the end of their exposure to the phase 1 mixture until death;”.

(b) in paragraph 10, for sub-paragraph (b)(ii) substitute—

“(ii) where the gas mixture used is that mentioned at paragraph 7(2)(a) or 7(2)(b), the displayed concentration of carbon dioxide is above 30% by volume; or

(iii) where the gas mixture used is that mentioned at paragraph 7(2)(c), the displayed concentration of carbon dioxide is above 40% by volume during phase 1;”.

### **Killing birds by exposure to gas mixtures elsewhere than in a slaughterhouse**

10. In Schedule 7A, in the cross heading, after the word “Slaughterhouse” insert the words “or Knacker’s Yard”.

### **Interpretation**

11. In Schedule 7A, Part I, in paragraph 1—

(a) omit the definitions of “breeder hen”, “end of lay hen”, “end of life breeder hen” and “laying hen”;

(b) in the definition of “chamber” omit the words “end of lay hens, end of life breeder hens or”.

### **Killing birds by exposure to gas mixtures**

12. In Schedule 7A, Part II, in paragraph 2, after the word “slaughterhouse” insert the words “or knacker’s yard”.

### **End of lay hens and end of life breeder hens**

13. In Schedule 7A, Part III—

(a) in the heading, for the words “End of lay hens and end of life breeder hens” substitute the word “Birds”.

(b) for paragraph 3(1), substitute—

“Birds may be killed on premises where they have been kept by exposure to gas mixtures in accordance with Part VI.”.

(c) in paragraph 3(2)—

(i) for the words “the end of lay hens or the end of life breeder hens” substitute the words “the birds”;

(ii) for head (e), substitute—

“(e) the number and age of birds being killed.”.

- (d) in paragraph 3(3), for the words “end of lay hens and end of life breeder hens” substitute the word “birds”.
- (e) after paragraph (3), add—
  - “(4) Notification under this paragraph is not required if the Department authorises the killing of birds by exposure to gas in accordance with Part IV.”.

**Killing where there is a restriction on movement**

14. In Schedule 7A, Part IV, in paragraph 4(1), after the word “slaughterhouse”, insert the words “or knacker’s yard”.

**Construction of the chamber**

15. In Schedule 7A, Part V, in paragraph 6—
- (a) omit the words “end of lay hens, end of life breeder hens or”;
  - (b) in paragraph 6(a), omit the words “hen or”.

**Operation of the chamber**

16. In Schedule 7A, Part V, in paragraph 7—
- (a) in paragraph 7(b), omit the words “end of lay hens, end of life breeder hens and”;
  - (b) for the words in paragraph 7(d) substitute—
    - “(d) after exposure to a gas mixture nothing more is done to a bird until it is ascertained that it is dead.”.

**Combinations of gas mixtures and chamber**

17. In Schedule 7A, Part VI, in paragraph 8, omit the words “, end of lay hens and end of life breeder hens”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 5th December 2011



*C McMaster*  
A senior officer of the Department of Agriculture and Rural Development

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (S.R.1996 No. 558) (“the 1996 Regulations”). The 1996 Regulations give effect to Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing (O.J. No. L340, 31.12.93, p.21). The 1996 Regulations govern the movement, lairaging, restraint, stunning, slaughter and killing of animals bred or kept for the production of meat, skin, fur or other products.

Council Regulation (EC) No 1099/2009 “Council Regulation” came into force on 8 December 2009 and will be directly applicable to every member State from 1 January 2013 (O.J. L303, 18.11.2009 p.1). This Council Regulation will replace Council Directive 93/119/EC.

These Regulations make interim changes to the 1996 Regulations, to facilitate industry flexibility and implementation of key aspects of the Council Regulation prior to 1 January 2013.

These Regulations insert a regulation 26A in the 1996 Regulations to allow a prosecution to be brought for a summary offence if the information is laid before the end of three years from the date the offence was committed and before the end of twelve months from the date on which evidence sufficient to justify proceedings is brought to the prosecutor’s knowledge.

Schedule 7 of the 1996 Regulations is amended to permit the use of biphasic carbon dioxide to kill birds in a slaughter house or knacker’s yard which gives effect to provisions made under Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing.

Schedule 7A of the 1996 Regulations is amended to extend the range of birds that can be killed by exposure to gas on the premises where they have been kept to include all domestic fowl, turkeys, pheasants, quail, partridges, geese, ducks or guinea fowl. The owner of the birds must give the Department a minimum of five working days’ notice before killing birds in this manner. Prior notification is not required if the Department authorises the killing of such birds by gas.

A regulatory impact assessment of the effect that this statutory rule will have on the costs of business is available from Animal Identification, Legislation and Welfare Division of the Department of Agriculture and Rural Development, Room 916, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

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