

## Case summary

### Issue(s)

Whether proof of an offence contrary to Regulation 30(1)(g) of the Welfare of Animals at the Time of Killing (England) Regulations 2015 brought against a business operator as defined in Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing requires proof of mens rea and/or some culpable act or omission on the part of the business operator.

### Facts

The appellant operates a poultry slaughterhouse under the approval of the Food Standards Agency. The birds have their legs shackled to a moving line and are then submitted to a number of sequential processes, including stunning, bleeding and scalding.

On 31 August, 12 September and 5 October 2016, a chicken went into the scalding tank whilst still alive because its neck was not properly cut by a certificated operative.

The appellant was charged with two offences in respect of each incident, contrary to Regulation 30(1)(g) of the Welfare of Animals at the Time of Killing (England) Regulations 2015.

The appellant raised two preliminary points of law: (1) whether the Regulation required proof of mens rea in the appellant, i.e. knowledge of the factual circumstances constituting the offence; and (2) whether the prosecution must prove a culpable act or omission on the part of the appellant.

On 9 January 2018, a District Judge ruled that the offences did not require proof of mens rea, and that consequently there was no need to prove culpability on the part of the appellant. On 16 November 2018, the Divisional Court dismissed a judicial review of that decision.