

2010 No. 3033

ANIMALS, ENGLAND

ANIMAL WELFARE

**The Welfare of Farmed Animals (England) (Amendment)
Regulations 2010**

Made - - - - - *22nd December 2010*

Coming into force - - in accordance with Regulation 1

The Secretary of State is the appropriate national authority in relation to England for the purposes of the Animal Welfare Act 2006^(a) and is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Union^(c).

The Secretary of State has consulted the persons referred to in section 12(6) of the Animal Welfare Act 2006.

In accordance with section 61(2) of that Act, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 12(1), (2) and (3) of the Animal Welfare Act 2006 and section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Welfare of Farmed Animals (England) (Amendment) Regulations 2010; they come into force on the day after the day on which they are made.

Amendment of the Welfare of Farmed Animals (England) Regulations 2007

2. The Welfare of Farmed Animals (England) Regulations 2007^(d) are amended in accordance with regulations 3 to 8.

(a) 2006 c. 45.

(b) 1972 c. 68.

(c) S.I. 1972/1811. The function of the former Minister of Agriculture of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(d) S.I. 2007/2078.

Amendment of regulation 2 (definitions and interpretation)

3.—(1) In regulation 2(1)—

(a) after the definition of “calf”, 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) 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); or

(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);

“food business operator” has the meaning given by Article 3 of 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(c);”;

(b) in the definition of “litter” after the words “laying hens” insert “and conventionally reared meat chickens” and replace the words “enabling the hens” with the words “enabling those birds”;

(c) after the definition of “pig” insert—

““stocking density” means, in relation to any house in which conventionally reared meat chickens are kept, the total live weight of chickens which are present in the house at the same time per m² of usable area;” and

(d) in the definition of “usable area”—

(i) after “means”, insert “, in relation to laying hens,”,

(ii) at the end, insert “, or, in relation to conventionally reared meat chickens, a littered area accessible to the chickens at any time”.

(2) In regulation 2(2) after sub-paragraph (a), insert—

“(aa) in relation to conventionally reared meat chickens, Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production(d).”.

Amendment of regulation 5 (additional duties on persons responsible for poultry, laying hens, calves, cattle, pigs or rabbits)

4.—(1) In regulation 5(1)(a), after “Schedules 2 to 4”, insert “and conventionally reared meat chickens”.

(2) In regulation 5(1), after sub-paragraph (b) insert—

“(ba) conventionally reared meat chickens must comply with Part 2 of Schedule 5A,”.

(3) After regulation 5(3), insert—

(a) OJ No L 157, 17.6.08, p 46, to which there are amendments and corrections not relevant to these Regulations.
(b) OJ No L 189, 20.7.07, p 1, as amended by Council Regulation (EC) No 967/2008 (OJ No L 264, 3.10.08, p 1).
(c) OJ No L 31, 1.2.02, p 1, as last amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.09, p 14).
(d) OJ No L 182, 12.7.07, p 19.

“(4) Part 1 of Schedule 5A has effect.”.

Insertion of regulation 5A

5. After regulation 5 insert—

“Monitoring and follow-up at the slaughterhouse

5A. Part 3 of Schedule 5A has effect.”.

Amendment of regulation 7 (offences)

6.—(1) In regulation 7 renumber the existing provision as paragraph (1).

(2) After paragraph (1) (as so renumbered) add—

“(2) A food business operator who, without lawful authority or excuse, fails to comply with a duty in paragraph 14(2) of Schedule 5A, commits an offence.”

Amendment of Schedule 1 (general conditions under which farmed animals must be kept)

7. In Schedule 1—

(a) in paragraph 2(3) after paragraph (a) insert—

“(aa) in the case of conventionally reared meat chickens, paragraph 11(1) and (2) of Schedule 5A;”;

(b) in paragraph 5, before “Any animals” insert “Without prejudice to paragraph 11(3) of Schedule 5A”;

(c) in paragraph 7—

(i) in sub-paragraph (b)(ii), omit “or” the second time it occurs;

(ii) in sub-paragraph (b)(iii), omit “or”;

(iii) after sub-paragraph (b)(iii), insert—

“(iiia) in the case of conventionally reared meat chickens, paragraph 11(1) and (2) of Schedule 5A; or”.

Insertion of Schedule 5A (additional conditions that apply in relation to conventionally reared meat chickens)

8. After Schedule 5 to the Welfare of Farmed Animals (England) Regulations 2007, insert the Schedule set out in the Schedule to these Regulations.

22nd December 2010

Henley
Parliamentary Under-Secretary
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 8

Insertion of Schedule 5A to the Welfare of Farmed Animals (England) Regulations 2007

After Schedule 5, insert—

“SCHEDULE 5A

Regulations 5 and 5A

Additional conditions that apply in relation to conventionally reared meat chickens

PART 1

Interpretation

Interpretation

1. In this Schedule—

“chicken” means a conventionally reared meat chicken;

“keeper” means any 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 854/2004;

“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).

PART 2

General additional conditions

Training

2.—(1) A keeper must hold a certificate recognised by the Secretary of State for the purposes of Article 4(3) or (4) of Council Directive 2007/43/EC^(c) (certificates of completion of training courses or equivalent experience).

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

(a) OJ No L 139, 30.4.04, p 55 (corrected version), as last amended by Regulation (EC) No 1161/2009 (OJ No L 314, 1.12.09, p 8).

(b) OJ No L 139, 30.4.04, p 206 (corrected version), as last amended by Regulation (EC) No 219/2009 (OJ No L 87, 31.3.09, p 109).

(c) OJ No L182, 12.7.07, p 19.

Stocking density limits

3.—(1) Unless sub-paragraph (2) 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 5 are complied with.

Notification of stocking density

4.—(1) A keeper must ensure that the Secretary of State is notified of the intended stocking density of each house where it is intended to keep chickens at a density in excess of 33 kilograms per m² of usable area, and of any subsequent change to that notified density.

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

(3) 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) In this paragraph “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 England and Wales under the Banking and Financial Dealings Act 1971(a).

Requirements for higher stocking densities

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

- (a) maintain and, on request, make available to the Secretary of State, documentation in the house giving a detailed description of the production systems, in particular information on technical details of the house and its equipment, including—
 - (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;
 - (v) floor type and litter normally used; and
 - (vi) records of technical inspections of the ventilation and alarm systems;
- (b) keep up to date the documentation referred to in subparagraph (a);
- (c) ensure that each house 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 3,000 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%.

(a) 1971 c. 80.

Drink and feed

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

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

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

Litter

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

Ventilation and heating

8.—(1) Ventilation must be sufficient to avoid overheating.

(2) Ventilation, in combination with heating systems, must be sufficient to remove excessive moisture.

Noise

9. 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

10.—(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 usable 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 expected 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

11.—(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 or 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.

Cleaning

12. 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

- 13.**—(1) A keeper must maintain, for each house, a record of—
- (a) the number of chickens introduced;
 - (b) the usable 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.

PART 3

Monitoring and follow-up at the slaughterhouse

Food chain information and chickens dead on arrival

14.—(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; and
 - (b) provide that information on request to the official veterinarian.
- (3) In this paragraph—

“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 because of disease or because of other reasons, divided by the number of chickens present in the house on that day, multiplied by 100.

Identification of poor welfare conditions and follow-up

15.—(1) An official veterinarian conducting controls under Regulation 854/2004 in relation to chickens must evaluate the results of the post-mortem inspection to identify possible indications of poor welfare conditions in their holding or house of origin.

(2) If the mortality rate of the chickens or the results of the post-mortem inspection are consistent with poor animal welfare conditions, the official veterinarian must communicate the data to the keeper of those chickens and to the Secretary of State without delay.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007/2078) 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 (England) Regulations 2007 are as follows.

Regulation 2 (definitions and interpretation provision) is amended, including the insertion of definitions 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), “food business operator” and “stocking density” (regulation 3).

Regulation 5 (additional duties on persons responsible) is amended to provide that persons responsible for conventionally reared meat chickens are required to comply with Part 2 of a new Schedule 5A (regulation 4).

A new regulation 5A is added which gives effect to Part 3 of the new Schedule 5A (regulation 5).

Failure to comply with the requirements of Part 2 of Schedule 5A is an offence, and regulation 7 (offences) is amended to provide for an offence in relation to breach of paragraph 14(2) of Schedule 5A (regulation 6).

Schedule 1 (general conditions under which farmed animals must be kept) is amended to include provisions relating to conventionally reared meat chickens (regulation 7).

A Schedule 5A is added, which sets out additional conditions that relate to conventionally reared meat chickens (regulation 8).

A full impact assessment of the effect of this instrument on the costs of business has been prepared and placed in the library of each House of Parliament. Copies of the impact assessment and the transposition note may be obtained from the Department for Environment, Food and Rural Affairs, Animal Welfare Team, 9 Millbank, c/o 17 Smith Square, London SW1P 3JR.