

2012 No. 501

ANIMALS, ENGLAND

PREVENTION OF CRUELTY

**The Welfare of Animals (Slaughter or Killing) (Amendment)
(England) Regulations 2012**

<i>Made</i>	- - - -	<i>22nd February 2012</i>
<i>Laid before Parliament</i>		<i>28th February 2012</i>
<i>Coming into force</i>	- -	<i>6th April 2012</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy of the European Union(b).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation, commencement and application

1. These Regulations—

- (a) may be cited as the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2012;
- (b) apply in England;
- (c) come into force on 6th April 2012.

Amendments of the Welfare of Animals (Slaughter or Killing) Regulations 1995

2. The Welfare of Animals (Slaughter or Killing) Regulations 1995(c) are amended in accordance with regulations 3 to 8.

Amendment of regulation 15

3. In paragraph (2) of regulation 15 as it applies in England(d), after “slaughterhouse” insert “or knacker’s yard”.

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- (a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of the European Union (Amendment) Act 2008 (c.7). 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).
 - (b) S.I. 1972/1811.
 - (c) S.I. 1995/731; relevant amending instruments are S.I. 2001/3830 and 2007/402.
 - (d) Regulation 15 was substituted in relation to England by S.I. 2007/402. Corresponding amendments were made in relation to Wales and Scotland.

Insertion of regulation 26A

4. After regulation 26, insert—

“Time limit for summary prosecution

26A.—(1) Notwithstanding section 127(1) of the Magistrates’ Courts Act 1980(a), a magistrates’ court may try an information relating to an offence under these Regulations if the information is laid—

- (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 six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor’s 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 is conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed is treated as so signed unless the contrary is proved.”.

Insertion of regulation 29

5. After regulation 28, insert—

“Review

29.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations, as applied in England,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing(b) is implemented and enforced in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved in England, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in England with a system that imposes less regulation.

(4) The first report under these Regulations must be published before the end of the period of five years beginning with 6th April 2012.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”.

(a) 1980 c.43.

(b) OJ No L 340, 31.12.1993, p.21, as last amended by Council Regulation (EC) 1/2005 (OJ No L3, 5.1.2005, p1).

Amendment of Schedule 5

- 6.—(1) Schedule 5, as it applies in England, is amended as follows.
- (2) In paragraph 13(d)(a), after “slaughterhouse” insert “or knacker’s yard”.
 - (3) In paragraph 13(e), omit “carbon dioxide or”.

Amendment of Schedule 7

- 7.—(1) Schedule 7(b), as it applies in England, is amended as follows.
- (2) In paragraph 7(1), for “an anoxic gas mixture” substitute “a gas mixture”.
 - (3) In paragraph 7(2)—
 - (a) in paragraph (b), for “2% by volume.” substitute “2% by volume; or”; and
 - (b) after paragraph (b), insert—
 - “(c) a biphasic carbon dioxide gas mixture comprising a mixture of gases containing up to 40% by volume of carbon dioxide (a “phase 1 gas mixture”), followed by a mixture of gases containing a minimum of 70% by volume of carbon dioxide (a “phase 2 gas mixture”).”.
 - (4) In paragraph 8(c)(iii), for sub-paragraphs (aa) and (bb) substitute—
 - “(aa) where the gas mixture used is that described in paragraph 7(2)(a), if the concentration by volume of oxygen rises above 5% for more than 30 seconds,
 - (bb) where the gas mixture used is that described in paragraph 7(2)(b), if the concentration by volume of carbon dioxide rises above 30%,
 - (cc) where a phase 1 gas mixture as described in paragraph 7(2)(c) is used, if the concentration by volume of carbon dioxide rises above 40%, and
 - (dd) where a phase 2 gas mixture as described in paragraph 7(2)(c) is used, if the concentration by volume of carbon dioxide falls below 70%.”.
 - (5) In paragraph 9, for sub-paragraph (a) substitute—
 - “(a) where—
 - (i) a gas mixture described in paragraph 7(2)(a) or (b) is used, birds are exposed to the gas mixture for long enough to ensure that they are killed;
 - (ii) the biphasic carbon dioxide gas mixture described in paragraph 7(2)(c) is used—
 - (aa) 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; and
 - (bb) birds exposed to the phase 1 gas mixture remain unconscious until death;”.
 - (6) In paragraph 10, for sub-paragraph (b)(ii) substitute—
 - “(ii) where the gas mixture used is that described in paragraph 7(2)(a) or (b), the displayed concentration of carbon dioxide is above 30% by volume; or
 - (iii) where the gas mixture used is that described in paragraph 7(2)(c), the displayed concentration of carbon dioxide is above 40% by volume;”.

(a) Paragraph 13 was amended in relation to England by S.I. 2007/402. Corresponding amendments were made in relation to Wales and Scotland.

(b) Schedule 7 was amended in relation to England by S.I. 2001/3830. Corresponding amendments were made in relation to Scotland.

Amendment of Schedule 7A

- 8.**—(1) Schedule 7A(a), as it applies in England, is amended as follows.
- (2) In the heading to the Schedule, after “Slaughterhouse” insert “or Knacker’s Yard”.
- (3) In paragraph 1—
- (a) omit the definitions of “breeder hen”, “end of lay hen”, “end of life breeder hen” and “laying hen”; and
- (b) in the definition of “chamber”, omit “end of lay hens, end of life breeder hens or”.
- (4) For Part II, substitute—

“Part II

Conditions for Killing Birds

2.—(1) No bird may be killed by exposure to gas mixtures elsewhere than in a slaughterhouse or knacker’s yard except in accordance with this Schedule.

(2) This Schedule permits the killing of a bird otherwise than in a slaughterhouse or knacker’s yard provided that—

- (a) the killing takes place on the premises where the bird has been kept for the production of meat, eggs or other products;
- (b) the bird is killed in a chamber and Part IV is complied with in relation to that chamber;
- (c) the bird is killed by exposure to one of the combinations of gas mixture and chamber listed in the table in Part V;
- (d) subject to sub-paragraph (3), the owner of the bird gives the Secretary of State a minimum of five working days’ notice specifying—
- (i) the owner’s name and address,
- (ii) the address of the premises at which the killing will take place,
- (iii) the date on which the killing will take place,
- (iv) which of the combinations of gas and chamber listed in the table in Part V is intended to be used for the killing, and
- (v) the number and age of birds to be killed.

(3) Notification under sub-paragraph (2)(d) is not required in the case of a killing authorised by the Secretary of State under Part III.”.

(5) In paragraph 3—

- (a) in sub-paragraph (1)—
- (i) after “slaughterhouse”, insert “or knacker’s yard”, and
- (ii) omit “in accordance with Part V of this Schedule”; and
- (b) omit sub-paragraphs (4) and (5).

(6) In paragraph 5—

- (a) in the introductory words, omit “end of lay hens, end of life breeder hens or”;
- (b) in sub-paragraph (a), omit “hen or”; and
- (c) in sub-paragraph (d), omit “or hens”.

(7) In paragraph 6—

(a) Schedule 7A was inserted in relation to England by S.I. 2007/402. Corresponding insertions were made in relation to Wales and Scotland.

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

Jim Paice

Minister of State

22nd February 2012

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, amend the Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I.1995/731) (“the 1995 Regulations”) which govern the movement, lairaging, restraint, stunning, slaughter and killing of animals bred or kept for the production of meat, skin, fur or other products. The 1995 Regulations give effect to Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing (OJ No. L 340, 31.12.1993, p.21).

These Regulations insert regulation 26A in the 1995 Regulations to extend the time limit for bringing prosecutions for offences under the 1995 Regulations.

These Regulations insert regulation 29 in the 1995 Regulations which requires the Secretary of State to review the operation and effect of the 1995 Regulations in England and publish a report within five years of 6th April 2012 and within every five years after that.

Schedule 7 of the 1995 Regulations is amended to permit the use of a biphasic carbon dioxide gas mixture to kill birds in a slaughterhouse.

Schedule 7A of the 1995 Regulations is amended to extend the range of birds that can be killed by exposure to gas mixtures on the premises where they have been kept for the production of meat, eggs or other products to include not only hens but also all domestic fowl, turkeys, pheasants, quail, partridges, geese, ducks or guinea fowl.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Animal Welfare Division of the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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