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WELSH STATUTORY INSTRUMENTS

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**2014 No. 951 (W. 92)**

**ANIMALS, WALES**

**PREVENTION OF CRUELTY**

**The Welfare of Animals at the Time  
of Killing (Wales) Regulations 2014**

<i>Made</i>	- - - -	<i>8 April 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 April 2014</i>
<i>Coming into force</i>	- -	<i>20 May 2014</i>

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to the common agricultural policy of the European Union<sup>(2)</sup> and make these Regulations in exercise of those powers, and the powers conferred by paragraph 1A of Schedule 2 to that Act, and with the consent of the Treasury under section 56(1) of the Finance Act 1973<sup>(3)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Welsh Ministers that it is expedient for the references in these Regulations to the Annexes to Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing<sup>(4)</sup> to be construed as references to those Annexes as amended from time to time.

**PART 1**

**General**

**Title, application and commencement**

**1. These Regulations—**

- (a) are entitled the Welfare of Animals at the Time of Killing (Wales) Regulations 2014;
- (b) apply in relation to Wales; and

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(1) 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).  
(2) S.I. 2010/2690.  
(3) 1973 c.51. Section 56 was amended by S.I. 2011/1043, article 6(1)(e).  
(4) OJ No L 303, 18.11.2009, p.1.

- (c) come into force on 20 May 2014.

### Expiry

2. (1) The following provisions cease to have effect on 8 December 2015—
- (a) regulation 44; and
  - (b) Schedule 7.
- (2) The following provisions cease to have effect on 8 December 2019—
- (a) regulation 30(1)(h);
  - (b) regulation 45; and
  - (c) Schedule 8.

### Interpretation

3. (1) In these Regulations—
- “the 1967 Act” (“*Deddf 1967*”) means the Slaughter of Poultry Act 1967<sup>(5)</sup>;
- “the 1974 Act” (“*Deddf 1974*”) means the Slaughterhouses Act 1974<sup>(6)</sup>;
- “the 1995 Regulations” (“*Rheoliadau 1995*”) means the Welfare of Animals (Slaughter or Killing) Regulations 1995<sup>(7)</sup>;
- “authorised veterinary surgeon” (“*milfeddyg awdurdodedig*”) means a veterinary surgeon authorised by the Welsh Ministers for the purpose of carrying out assessments in accordance with regulation 16(c);
- “certificate” (“*tystysgrif*”) (except in the term “temporary certificate” or regulation 41) means a certificate of competence as mentioned in Article 21 and includes a qualification recognised by the competent authority as equivalent to a certificate in accordance with Article 21(7);
- “competent authority” (“*awdurdod cymwys*”) has the meaning given in regulation 4;
- “EU Regulation” (“*Rheoliad UE*”) means Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing<sup>(8)</sup>;
- “evidence of training and examination” (“*tystiolaeth o hyfforddi ac arholi*”) means—
- (a) a certificate granted by a body, recognised and regulated by the Welsh Ministers which oversees the training and assessment of persons carrying out the killing of animals and related operations, confirming the passing of an independent examination as provided for in Article 21,
  - (b) a licence granted by the Rabbinical Commission for the purpose of killing animals in accordance with the Jewish method (Shechita) and confirming the passing of an independent examination as provided for in Article 21, or
  - (c) a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (RCVS)<sup>(9)</sup>, and RCVS continuing professional development record combined;
- “horse” (“*ceffyl*”) includes a hinny, ass or mule;

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(5) 1967 c.24.

(6) 1974 c.3.

(7) S.I. 1995/731; relevant amending instruments, in relation to Wales, are S.I. 1999/400 and 2007/2461 (W.208).

(8) OJ No L 303, 18.11.2009, p.1.

(9) RCVS was established by Royal Charter in 1844 and is responsible for the registration of veterinary surgeons and the regulation of their education, ethical and clinical standards.

“inspector” (“*arolygydd*”) means a person appointed under regulation 34 or an inspector appointed under section 51 of the Animal Welfare Act 2006<sup>(10)</sup>;

“knacker’s yard” (“*iard gelanedd*”) means a premises used principally for the storage of animal carcasses, but also for the commercial killing of animals for purposes other than human consumption, including any associated facilities for handling and lairaging such animals;

“licence” (“*trwydded*”) means a licence as required by regulation 12;

“local authority” (“*awdurdod lleol*”) means a county council or a county borough council;

“Rabbinical Commission” (“*y Comisiwn Rabinaidd*”) means the body referred to in Part 4 of Schedule 3 responsible for licensing persons carrying out the killing of animals in accordance with the Jewish method (Shechita);

“restraining pen” (“*lloc ffrwyno*”) means a pen or compartment which is suitable for restraining an adult bovine animal in an upright position for the purpose of killing in accordance with religious rites (as defined in paragraph 1(c) of Schedule 3) and which is constructed and approved in accordance with paragraph 3 of Schedule 3;

“simple stunning” (“*stynio syml*”) has the same meaning as in Article 4(1) and “simple stunned” (“*a styniwyd yn syml*”) is to be construed accordingly;

“stunning pen” (“*lloc stynio*”) means a pen or compartment which is suitable for restraining an adult bovine animal for the purpose of stunning and which is constructed in accordance with paragraph 8 of Schedule 1 or paragraph 9 of Schedule 2;

“temporary certificate” (“*tystysgrif dros dro*”) means a temporary certificate of competence as mentioned in Article 21(5);

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966<sup>(11)</sup>;

“WASK licence” (“*trwydded LLACL*”) means a registered licence required by or granted in accordance with Schedule 1 to the 1995 Regulations.

(2) Terms and expressions used in these Regulations that are also used in the EU Regulation have the same meaning in these Regulations as they have in the EU Regulation, unless specified otherwise.

(3) In these Regulations, a reference to an Article, a Chapter or an Annex is a reference to that Article or Chapter of, or that Annex to, the EU Regulation.

(4) Any reference to an Annex to the EU Regulation is a reference to that Annex as amended from time to time.

### **The competent authority**

4. (1) The Food Standards Agency is the competent authority for the purposes of—
- (a) Part 2 (certificates, temporary certificates and licences), unless specified otherwise;
  - (b) approving restraining pens in accordance with paragraph 3 of Schedule 3; and
  - (c) in relation to the killing of animals in a slaughterhouse—
    - (i) receiving and assessing documents, records or information in accordance with Articles 6(4), 9(1), 14(2) and 17(5);
    - (ii) receiving and assessing other documents, records or information in accordance with the EU Regulation or these Regulations; and

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<sup>(10)</sup> 2006 c.45.

<sup>(11)</sup> 1966 c. 36; section 2 was amended by S.I. 2003/2919, article 12 and the Schedule, paragraph 1 and S.I. 2008/1824, article 2 and the Schedule, paragraph 2(a).

- (iii) taking action in the event of any non-compliance with the EU Regulation or these Regulations in accordance with Article 22(1).
- (2) Otherwise, the Welsh Ministers are the competent authority, and act as the member State, for the purposes of the EU Regulation and these Regulations.
- (3) The Welsh Ministers may act as the competent authority in relation to—
  - (a) the suspension or revocation of certificates, temporary certificates or licences under Part 2; and
  - (b) the appointment of inspectors in accordance with regulation 34.

## PART 2

### Certificates, temporary certificates and licences

#### CHAPTER 1

##### Certificates and temporary certificates

#### **Requirement for a certificate or temporary certificate**

5. (1) Subject to regulations 23(2) and 44, no person may carry out an operation specified in regulation 6 except under and to the extent authorised by a certificate registered with the competent authority or a temporary certificate.

(2) No person may carry out an operation specified in regulation 6 under a temporary certificate unless that person works in the presence, and under the direct supervision of, a person who holds a certificate registered with the competent authority in relation to that operation.

#### **Operations which require a certificate or temporary certificate**

6. The operations referred to in regulation 5 are—
- (a) any of the following operations carried out in a slaughterhouse—
    - (i) an operation specified in any of sub-paragraphs (a) to (g) of Article 7(2); and
    - (ii) the pithing of a stunned animal and assessment of effective pithing; and
  - (b) supervising the killing of fur animals in accordance with Article 7(3).

#### **Certificates**

7. The competent authority must grant and register a certificate if—
- (a) the applicant meets the conditions in regulation 8; and
  - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate.

#### **Conditions for a certificate**

8. The applicant must—
- (a) not be less than 18 years old, unless the certificate is required for the following operations—
    - (i) the handling and care of animals before they are restrained; or
    - (ii) the shackling or hoisting of live poultry before stunning;

- (b) subject to regulation 44, submit evidence of training and examination in respect of the operation, category of animal and (where appropriate) type of equipment for which a certificate is sought;
- (c) submit a written declaration in accordance with Article 21(6);
- (d) provide written details if the applicant—
  - (i) has been convicted of any offence concerning the welfare of animals;
  - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
  - (iii) has had any such licence revoked or suspended; and
- (e) pay a fee in accordance with regulation 24.

### **Temporary certificates**

- 9. The competent authority must grant a temporary certificate if—
  - (a) the applicant meets the conditions in regulation 10; and
  - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a temporary certificate.

### **Conditions for a temporary certificate**

- 10. The applicant must—
  - (a) not be less than 18 years old, unless the temporary certificate is required for the following operations—
    - (i) the handling and care of animals before they are restrained; or
    - (ii) the shackling or hoisting of live poultry before stunning;
  - (b) submit evidence of registration on a training course in respect of the operation, category of animal and (where appropriate) type of equipment for which a temporary certificate is sought;
  - (c) submit a written declaration in accordance with Article 21(5)(d) and (6); and
  - (d) provide written details if the applicant—
    - (i) has been convicted of any offence concerning the welfare of animals;
    - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
    - (iii) has had any such licence revoked or suspended.

### **Grant of certificates and temporary certificates**

- 11. (1) A certificate or temporary certificate must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it has been granted.
- (2) A certificate or temporary certificate may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if—
  - (a) in the case of a certificate, the evidence of training and examination submitted with the application for the certificate relates to that operation, category of animal and type of equipment; or

- (b) in the case of a temporary certificate, the training course on which the applicant is registered provides training in relation to that operation, category of animal and type of equipment.

(3) Certificates or temporary certificates granted in England, Scotland, Northern Ireland or another member State of the European Union for operations which require a certificate or temporary certificate in Wales under these Regulations have effect in Wales as if they were certificates or temporary certificates granted under these Regulations.

## CHAPTER 2

### Licences

#### Requirement for a licence

12. Subject to regulations 14 and 23(2), no person may carry out an operation specified in regulation 13 except under and to the extent authorised by a licence registered with the competent authority.

#### Operations which require a licence

13. The operations referred to in regulation 12 are any of the following operations carried out other than in a slaughterhouse—

- (a) an operation specified in any of sub-paragraphs (b) to (f) of Article 7(2) carried out for the purposes specified in Article 10 (private domestic consumption) by a person other than the owner of the animal;
- (b) an operation specified in any of sub-paragraphs (b) to (f) of Article 7(2) carried out for the purposes specified in Article 11 (direct supply of small quantities of poultry, rabbits and hares);
- (c) in relation to the killing of solipeds, ruminants, pigs, rabbits, poultry or ratites other than for human consumption—
  - (i) the restraint of animals for the purpose of stunning;
  - (ii) the stunning of animals;
  - (iii) the assessment of effective stunning;
  - (iv) the shackling or hoisting of stunned animals, other than poultry;
  - (v) the bleeding of live animals; and
- (d) the pithing of a stunned animal and assessment of effective pithing.

#### Exceptions to the requirement for a licence

14. Regulation 12 does not apply to any person who—

- (a) holds a certificate registered with the competent authority, provided that the scope of the certificate extends to the operation being undertaken;
- (b) works in the presence, and under the direct supervision, of a person who holds a certificate or licence registered with the competent authority, provided that the scope of the certificate or licence extends to the operation being undertaken;
- (c) works in the presence, and under the direct supervision, of a veterinary surgeon;
- (d) carries out the emergency killing of an animal;
- (e) kills an animal other than for a commercial purpose;

- (f) for purposes other than human consumption, kills an animal in the field by means of a free bullet;
- (g) for purposes other than human consumption, kills poultry by means of cervical dislocation (where there are no other methods available for stunning) on premises forming part of an agricultural holding on which the poultry were reared;
- (h) kills an animal for the purpose of depopulation;
- (i) kills surplus chicks or embryos in hatchery waste;
- (j) is a veterinary surgeon acting in the exercise of the veterinary surgeon's profession; or
- (k) kills an animal in circumstances which are out of scope of the EU Regulation by virtue of Article 1(3)(a).

### **Licences**

- 15.** The competent authority must grant and register a licence if—
- (a) the applicant meets the conditions in regulation 16; and
  - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a licence.

### **Conditions for a licence**

- 16.** The applicant must—
- (a) not be less than 18 years old;
  - (b) provide written details if the applicant—
    - (i) has been convicted of any offence concerning the welfare of animals;
    - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
    - (iii) has had any such licence revoked or suspended;
  - (c) provide evidence in writing that an authorised veterinary surgeon has assessed the applicant and is of the opinion that the applicant—
    - (i) is competent to carry out the operation in respect of the category of animal and (where appropriate) type of equipment for which a licence is sought without causing an animal avoidable pain, distress or suffering, and
    - (ii) has sufficient knowledge of the provisions of all relevant legislation and guidance relating to that operation, category of animal and (where appropriate) type of equipment for which the licence is sought; and
  - (d) pay a fee in accordance with regulation 24.

### **Grant of licences**

**17.** (1) A licence must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it has been granted.

(2) A licence may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if the assessment referred to in regulation 16(c) relates to that operation, category of animal and type of equipment.

(3) Certificates or licences granted in England, Scotland or Northern Ireland for operations which must be licensed in Wales under these Regulations have effect in Wales as if they were licences granted under these Regulations.

## CHAPTER 3

### Administrative provisions

#### **Refusal to grant a certificate, temporary certificate or licence**

**18.** (1) The competent authority may, by notice in writing, refuse to grant a certificate, temporary certificate or licence if satisfied that the applicant—

- (a) has failed to meet any of the conditions in regulations 8, 10 or 16 (as the case may be); or
- (b) is not a fit and proper person to hold a certificate, temporary certificate or licence.

(2) The notice must—

- (a) give reasons for the refusal; and
- (b) give details of the right of appeal against the decision.

#### **Suspension or revocation of a certificate, temporary certificate or licence**

**19.** (1) The competent authority may, by notice in writing, suspend or revoke a certificate, temporary certificate (including a certificate or temporary certificate granted in another member State) or licence if satisfied that the holder of the certificate, temporary certificate or licence—

- (a) has failed to comply with any provision of the EU Regulation or these Regulations;
- (b) is no longer a fit and proper person to hold it;
- (c) is not, or is no longer, competent to carry out the operations which the certificate, temporary certificate or licence authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.

(2) The notice must—

- (a) give reasons for the suspension or revocation;
- (b) state when the suspension or revocation comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect; and
- (c) give details of the right of appeal against the decision.

(3) Any person whose certificate, temporary certificate or licence is suspended or revoked must, whether or not that suspension or revocation is the subject of an appeal pursuant to regulation 22, surrender it to the competent authority within 14 days of receipt of the notice informing that person of the suspension or revocation.

#### **Modification of a certificate or licence**

**20.** The competent authority must modify a certificate or licence in respect of an operation, category of animal or (where appropriate) type of equipment as requested by an applicant if—

- (a) the applicant meets the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; and
- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate or licence, as modified.

#### **Refusal to modify a certificate or licence**

**21.** (1) The competent authority may, by notice in writing, refuse to modify a certificate or licence if satisfied that the applicant—



- (a) has failed to meet the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; or
  - (b) is not a fit and proper person to hold a certificate or licence, as modified.
- (2) The notice must—
- (a) give reasons for the refusal; and
  - (b) give details of the right of appeal against the decision.

### Appeals

22. (1) A person who is aggrieved by a decision of the competent authority to refuse, suspend or revoke a certificate, temporary certificate or licence, or refuse to modify a certificate or licence, may appeal against it.

(2) The right of appeal is to the First-tier Tribunal.

(3) A decision to suspend or revoke a certificate, temporary certificate or licence is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.

(4) On appeal the First-tier Tribunal may either overturn or confirm the decision, with or without modification.

### WASK licences

23. (1) On the coming into force of these Regulations, a WASK licence which is still in force immediately before 20 May 2014 continues in existence as a qualification equivalent to a certificate in accordance with Article 21(7).

(2) A WASK licence holder may carry out an operation specified in regulation 6 or 13 without holding a certificate or licence registered with the competent authority provided that, by 8 December 2015, the WASK licence holder—

- (a) registers the WASK licence as a certificate with the competent authority; and
- (b) pays a fee in accordance with regulation 24.

### Fees

24. (1) In respect of an application of a type described in column 1 of the Table, the applicant must pay to the Food Standards Agency the fee specified in column 2 in relation to that type of application.

**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Type of application</i>	<i>Fee (£)</i>
Application for a certificate	25
Application to register a WASK licence as a certificate	25
Application to modify a certificate	8
Application for a licence	25
Application to modify a licence	8

(2) In respect of an assessment under regulation 16(c) by an authorised veterinary surgeon exercising functions on behalf of the Welsh Ministers, the applicant must pay to the Welsh Ministers a fee calculated in accordance with paragraph (3).

(3) The fee referred to in paragraph (2) is—

- (a) £76 for the first half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation;
- (b) £21 for each additional half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation; and
- (c) the actual cost of travelling, accommodation and any other expenses reasonably incurred by the authorised veterinary surgeon.

## PART 3

### National rules

#### **Additional requirements for slaughterhouses**

25. Schedule 1 has effect.

#### **Additional requirements for killing animals other than in slaughterhouses**

26. Schedule 2 has effect.

#### **Additional requirements for killing animals in accordance with religious rites**

27. Schedule 3 has effect.

#### **Killing animals other than those to which the EU Regulation applies**

28. Schedule 4 has effect.

## PART 4

### Derogation

#### **Depopulation operations**

29. Where the competent authority grants a derogation under Article 18(3), the competent authority must publish notice in writing of that decision which may be—

- (a) subject to conditions;
- (b) published in such manner as the competent authority thinks fit; and
- (c) amended, suspended or revoked in writing.

## PART 5

### Offences and penalties

#### Offences

- 30.** (1) It is an offence for a person to contravene, or to cause or permit a person to contravene—
- (a) regulation 5(1) or (2) (requirement for a certificate or temporary certificate);
  - (b) regulation 12 (requirement for a licence);
  - (c) any of paragraphs 3 to 32 of Schedule 1 (additional requirements for slaughterhouses);
  - (d) any of paragraphs 4 to 44 of Schedule 2 (additional requirements for killing animals other than in slaughterhouses);
  - (e) any of paragraphs 2 to 8 of Schedule 3 (additional requirements for killing animals in accordance with religious rites);
  - (f) paragraph 4 or 5 of Schedule 4 (killing animals other than those to which the EU Regulation applies);
  - (g) a provision of the EU Regulation specified in Schedule 5, except where it is not necessary to comply with the provision by virtue of—
    - (i) an exemption or transitional provision specified in the EU Regulation; or
    - (ii) a derogation granted by the competent authority under Article 18(3) in relation to a depopulation operation; or
  - (h) until 8 December 2019, any of paragraphs 1 to 7 of Schedule 8, to the extent that they apply by virtue of regulation 45 (transitional provision: slaughterhouses).
- (2) It is an offence for a person to fail to comply with an enforcement notice under regulation 38.

#### Obstruction offences

- 31.** It is an offence—
- (a) intentionally to obstruct any person acting in the execution of the EU Regulation or these Regulations;
  - (b) without reasonable cause, to fail to give to any such person any assistance or information that that person may reasonably require;
  - (c) to furnish to any such person any information knowing it to be false or misleading; or
  - (d) to fail to produce a document or record to any such person when required to do so.

#### Offences by bodies corporate

**32.** (1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) a person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

(2) In paragraph (1) “director” (“*cyfarwyddwr*”), in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

## Penalties

33. (1) A person guilty of an offence under regulation 30 or 31 is liable on summary conviction to a fine not exceeding level 5 on the standard scale, except where specified in paragraph (2).

(2) A person guilty of an offence under regulation 30(1)(g) in relation to a contravention of Article 3 is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

## PART 6

### Enforcement

#### Inspectors

34. The competent authority or a local authority may appoint inspectors for the purpose of enforcing the EU Regulation and these Regulations.

#### Power to enter premises

35. (1) An inspector may, on giving reasonable notice, enter any premises at a reasonable hour for the purpose of executing or enforcing the EU Regulation and these Regulations, and in this Part, “premises” (“*mangre*”) includes any land, building, shed, pen, receptacle or vehicle of any description.

(2) The requirement to give notice does not apply—

- (a) where the requirement has been waived by the occupier;
- (b) where reasonable efforts to agree an appointment have failed;
- (c) where an inspector has reasonable suspicion of a failure to comply with the EU Regulation or these Regulations;
- (d) where an inspector reasonably believes that giving notice would defeat the object of the entry; or
- (e) in an emergency where entry is required urgently.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling house unless a right of entry is conferred by a warrant granted under regulation 36.

(4) An inspector must, if requested to do so, produce a duly authenticated authorisation document.

(5) An inspector who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

(6) An inspector may be accompanied by—

- (a) such other persons as the inspector considers necessary; and
- (b) any representative of the European Commission.

#### Warrants

36. (1) A justice of the peace may, by signed warrant, permit an inspector to enter premises, if necessary by reasonable force, if satisfied, on sworn information in writing—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing the EU Regulation or these Regulations; and
- (b) that any of the conditions in paragraph (2) are met.

- (2) The conditions are—
  - (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
  - (b) asking for entry to the premises, or giving such a notice, would defeat the object of the entry;
  - (c) entry is required urgently; or
  - (d) the premises are unoccupied or the occupier is temporarily absent.
- (3) A warrant under this regulation is valid for three months.

### **Power to inspect and seize**

**37.** (1) An inspector who has entered premises for the purposes of executing and enforcing the EU Regulation or these Regulations may for those purposes—

- (a) carry out any examination, investigation or test;
- (b) make any enquiries, observe any operation or process, and take recordings or photographs;
- (c) inspect and search the premises;
- (d) take samples (and send them for laboratory testing) from any animal, carcase or part of a carcase;
- (e) seize and detain any carcase or part of a carcase for further examining, investigating or testing;
- (f) seize and detain any equipment or instrument for further examining, investigating or testing;
- (g) have access to, inspect and check the data on, and operation of, any computer and any associated equipment;
- (h) seize any computers and associated equipment for the purpose of copying data, but only if the inspector has a reasonable suspicion that an offence under these Regulations has been committed, and provided that they are returned as soon as practicable;
- (i) require the production of any document or record and inspect and take a copy of or extract from such document or record; and
- (j) require any person to provide such assistance, information, facilities or equipment as is reasonable.

(2) An inspector must—

- (a) as soon as reasonably practicable, provide to the person appearing to be responsible for any items that the inspector seizes under paragraph (1) a written receipt identifying those items; and
- (b) as soon as is reasonably practicable after deciding that those items are no longer required, return them, apart from those to be used as evidence in court proceedings.

(3) Where an inspector has seized items under paragraph (1) for use in evidence in court proceedings and—

- (a) it is subsequently decided—
  - (i) that no court proceedings are to be brought; or
  - (ii) that those items are no longer needed as evidence in court proceedings; or
- (b) the court proceedings are completed and no order in relation to those items has been made by the court,

an inspector must return the items as soon as is reasonably practicable.

### **Enforcement notices**

- 38.** (1) An enforcement notice is a notice in writing—
- (a) requiring a person to take specified steps to remedy a contravention of the EU Regulation or these Regulations;
  - (b) requiring a person to reduce the rate of operation to such extent as is specified in the notice until that person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations; or
  - (c) prohibiting a person from carrying on an activity, process or operation, or using facilities or equipment, specified in the notice until that person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations.
- (2) An inspector who is of the opinion that a person has contravened or is contravening the EU Regulation or these Regulations may serve on that person an enforcement notice.
- (3) An enforcement notice must—
- (a) state that the inspector is of that opinion;
  - (b) state the date and time of service of the notice;
  - (c) identify the recipient of the notice;
  - (d) specify the matters constituting the contravention;
  - (e) specify the steps that must be taken to remedy the contravention;
  - (f) specify the period within which those steps must be taken; and
  - (g) give details of the right of appeal against the notice.
- (4) A person on whom an enforcement notice is served must comply with it at that person's own expense.
- (5) If an enforcement notice is not complied with, the inspector may arrange for it to be complied with at the expense of the person on whom it was served.
- (6) An inspector must serve a completion notice if, after service of the enforcement notice, the inspector is satisfied that the person has taken the steps specified in the notice to remedy the contravention.
- (7) In the event of an inspector not being satisfied as provided for in paragraph (6), the inspector may, by notice in writing, refuse to serve a completion notice and the notice must—
- (a) give reasons for the refusal; and
  - (b) give details for the right of appeal against the decision.
- (8) An enforcement notice ceases to have effect on the issue of a completion notice.
- (9) An inspector may at any time withdraw or vary an enforcement notice in writing.

### **Appeals against enforcement notices**

- 39.** (1) A person who is aggrieved by—
- (a) a decision of an inspector to serve an enforcement notice; or
  - (b) a decision of an inspector to refuse to issue a completion notice,
- may appeal against it.
- (2) The right of appeal is to the First-tier Tribunal.
- (3) An enforcement notice is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.

(4) On appeal the First-tier Tribunal may either cancel or confirm the enforcement notice, with or without modification, or make such order as it thinks fit as regards refusal to serve a completion notice.

#### **Power of local authority to prosecute**

**40.** A local authority may prosecute any offence under these Regulations.

#### **Time limit for prosecutions**

**41.** (1) Notwithstanding section 127(1) of the Magistrates' Courts Act 1980<sup>(12)</sup>, a magistrates' court may try any 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.

## **PART 7**

### **Miscellaneous provisions**

#### **Notices**

**42.** (1) Any notice required or authorised to be served under these Regulations to any person may be given by—

- (a) delivering it to the person;
  - (b) leaving it at the person's proper address; or
  - (c) sending it by post to the person at that address.
- (2) Any such notice may—
- (a) in the case of a body corporate, be served on an officer of the body; or
  - (b) in the case of a limited liability partnership, be served on a partner or a person having the control or management of the partnership business.
- (3) For the purposes of this regulation and section 7 of the Interpretation Act 1978<sup>(13)</sup> (service of documents by post) in its application to this regulation, the proper address of any person on whom a notice is to be served is—
- (a) in the case of a body corporate, the address of the registered or principal office of the body;
  - (b) in the case of a limited liability partnership, the address of the registered or principal office of the partnership;

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<sup>(12)</sup> 1980 c.43.

<sup>(13)</sup> 1978 c.30.

- (c) in the case of a person on whom the notice is served in reliance on paragraph (2), the proper address of the body corporate or partnership in question; and
- (d) in any other case, the last known address of the person in question.

(4) If a person on whom a notice is to be served under these Regulations has specified an address for service of such a notice, that address is also to be treated, for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation, as that person's proper address.

(5) If the name or address of any occupier of premises on whom a notice is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

(6) In this regulation—

- (a) “body corporate” (“*corff corfforaethol*”) does not include a limited liability partnership; and
- (b) references to serving include references to similar expressions (such as giving or sending).

### **Consequential and supplementary amendments**

43. Schedule 6 (consequential and supplementary amendments) has effect.

### **Transitional provision: certificates**

44. Schedule 7 (transitional provisions - certificates) has effect.

### **Transitional provision: slaughterhouses (layout, construction and equipment)**

45. (1) Paragraph (2) applies in relation to a slaughterhouse in operation immediately before 1 January 2013, but does not apply in relation to—

- (a) any new layout or construction of such a slaughterhouse (or associated lairage) brought into operation after that date; or
- (b) any new equipment used in such a slaughterhouse and brought into operation after that date.

(2) In relation to a slaughterhouse to which this paragraph applies, until 8 December 2019—

- (a) Article 14(1) and Annex II do not apply; and
- (b) Schedule 8 applies.

### **Revocations**

46. The following instruments and enactments are revoked in relation to Wales—

- (a) the Welfare of Animals (Slaughter or Killing) Regulations 1995(14);
- (b) the Welfare of Animals (Slaughter or Killing) (Amendment) Regulations 1999(15);
- (c) regulation 10(3) of, and Part 3 of Schedule 8 to, the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(16); and

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(14) S.I. 1995/731; relevant amending instruments, in relation to Wales, are S.I. 1999/400, 2000/656 and 2007/2461 (W.208).

(15) S.I. 1999/400.

(16) S.I. 2000/656.



(d) the Welfare of Animals (Slaughter or Killing) (Amendment) (Wales) Regulations 2007(17).

8 April 2014

*Alun Davies*  
Minister for Natural Resources and Food, one of  
the Welsh Ministers

SCHEDULE 1

Regulation 25

ADDITIONAL REQUIREMENTS FOR SLAUGHTERHOUSES

PART 1

Introductory

**Interpretation**

1. In this Schedule, “animal” (“*anifail*”) means solipeds, ruminants, pigs, rabbits, poultry or ratites.

**Scope**

2. This Schedule applies to the killing of animals in a slaughterhouse.

PART 2

Layout, construction and equipment of slaughterhouses

**General requirements**

3. The business operator must ensure that—
- (a) it has suitable equipment and facilities available for the purpose of unloading animals from means of transport;
  - (b) there are no sharp edges or protrusions with which an animal may come into contact;
  - (c) the place of killing is sited in such a way as to minimise handling of the animal at any time up to the point of killing;
  - (d) any instrument, restraining equipment, other equipment or installation which is used for stunning or killing is designed, constructed and maintained so as to facilitate rapid and effective stunning or killing; and
  - (e) any defect found in back-up stunning or killing equipment is rectified forthwith.

**Animals delivered other than in containers**

4. The business operator must ensure that—
- (a) equipment for unloading animals delivered other than in containers is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection; and
  - (b) exit and entry ramps have the minimum possible incline.

**Lairages other than field lairages**

5. The business operator must ensure that—
- (a) a sufficient number of pens are provided at the slaughterhouse for adequate lairaging of the animals with protection from the effects of adverse weather conditions; and
  - (b) a lairage has—

- (i) adequate ventilation to ensure that temperature, air relative humidity and ammonia levels are kept within limits that are not harmful to an animal, taking into account the extremes of temperature and humidity which may be expected; and
- (ii) racks, mangers or other equipment adequate in number and size for the feeding of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to the animals, can readily be filled and cannot readily be fouled.

### **Field lairages**

6. The business operator must ensure that a field lairage—
- (a) is maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard; and
  - (b) has racks, mangers or other equipment adequate in number and size for the feeding of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to the animals, can readily be filled and cannot readily be fouled.

### **Shackle lines**

7. The business operator must ensure that there is ready access to any shackle line or processing equipment used for live poultry and to any controls of such equipment.

### **Stunning pens**

8. The business operator must ensure that a stunning pen used to restrain adult bovine animals for the purpose of stunning is constructed so as to—
- (a) permit one animal at a time to be confined in it without discomfort;
  - (b) prevent any substantial movement forwards, backwards or sideways of an animal confined in it;
  - (c) restrict the movement of the head of an animal confined in it so as to permit accurate stunning and allow the head of an animal to be released immediately after the animal has been stunned; and
  - (d) allow unimpeded access to the forehead of an animal confined in it.

### **Facilities for horses**

9. Where a slaughterhouse is one in which horses are killed, the business operator must ensure that—
- (a) a separate room or bay is provided for the killing of horses; and
  - (b) a lairage in which a horse is confined, must contain at least one loose box which is so constructed as to minimise the danger of a horse injuring itself or any other animal confined in that lairage.

## PART 3

### Handling operations

#### General requirements

**10.** The business operator and any person engaged in the movement or lairaging of animals must ensure that—

- (a) every animal is protected from adverse weather conditions and is provided with adequate ventilation;
- (b) if an animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means;
- (c) pending the killing of a sick or disabled animal, it is kept apart from any animal which is not sick or disabled; and
- (d) no person drags an animal which has been stunned or killed over any other animal which has not been stunned or killed.

#### Inspection of animals

**11.** The business operator must ensure that the condition and state of health of every animal is inspected at least every morning and evening by the business operator or by a competent person acting on the business operator's behalf.

#### Animals which have experienced pain or suffering and unweaned animals

**12.** Without prejudice to paragraph 1.5 and 1.11 of Annex III, the business operator and any person engaged in the movement or lairaging of animals must ensure that the following animals are killed immediately—

- (a) animals which have experienced pain or suffering during transport or following arrival; and
- (b) animals which are too young to take solid feed.

#### Animals delivered other than in containers

**13.** The business operator and any person engaged in the movement or lairaging of animals which are delivered other than in a container must ensure that—

- (a) care is taken not to frighten, excite or mistreat an animal;
- (b) no animal is overturned; and
- (c) no animal is taken to the place of killing unless it can be killed without delay.

#### The driving of animals

**14.** No person may lead or drive an animal over ground or floor, the nature or condition of which is likely to cause the animal to slip or fall.

#### Moving animals with care

**15.** The business operator and any person engaged in the movement of animals must ensure that every animal is moved with care and, when necessary, that animals are led individually.

### **Instruments for guiding animals**

16. The business operator and any person engaged in the movement of animals must ensure that any instrument intended for guiding an animal is used solely for that purpose and only for short periods on individual animals.

### **Lairaging of animals**

17. The business operator and any person engaged in the lairaging of animals must ensure that food is provided in a way which will permit the animals to feed without unnecessary disturbance.

## **PART 4**

### **Restraining operations**

#### **General requirement**

18. No person may stun or kill an animal without restraining it in an appropriate manner.

#### **Restraining bovine animals**

19. Without prejudice to the generality of paragraph 18, no person may stun or kill an adult bovine animal unless at the time it is stunned or killed it is confined in a stunning pen or in a restraining pen which (in either case) is in good working order.

#### **Suspending poultry**

20. The prohibition in Article 15(3)(a) (suspending or hoisting conscious animals) does not apply in the case of poultry which may be suspended for stunning or killing provided that appropriate measures are taken to ensure that, at the point of being stunned or killed, the poultry are in a sufficiently relaxed state for stunning or killing to be carried out effectively and without undue delay.

#### **Shackle lines**

21. (1) No person may operate a shackle line unless—

- (a) it is possible to relieve any avoidable pain, distress or suffering which poultry suspended from shackles appear to be suffering or to remove poultry from the shackles; and
- (b) the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, poultry suspended from it can be performed without undue haste and with proper regard for the welfare of the poultry.

(2) No person may, in connection with the stunning or killing of poultry, use a shackle line, machine or other equipment unless it is used in connection with the stunning or killing of poultry of the type, size and weight for which it was designed, save in an emergency where it is used to relieve suffering.

#### **Restraining operations**

22. The business operator and any person engaged in the stunning or killing of an animal must ensure that an animal which is to be stunned or killed by mechanical or electrical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

## PART 5

### Stunning and killing operations

#### General requirements

23. (1) The business operator and any person engaged in the stunning or killing of an animal must ensure that any instrument, restraining equipment, installation or other equipment which is used for stunning or killing is used in such a way as to facilitate rapid and effective stunning or killing.

(2) In the case of simple stunning, no person may stun an animal unless it is possible to kill it without delay.

#### Penetrative captive bolts

24. (1) No person may use a penetrative captive bolt device to stun an animal unless—

- (a) subject to sub-paragraph (3), the device is positioned and applied so as to ensure that the bolt enters the cerebral cortex; and
- (b) the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.

(2) No person may shoot a bovine animal in the back of the head.

(3) No person may shoot a sheep or goat in the back of the head, unless the presence of horns prevents use of the top or the front of the head, in which case it may be shot in the back of the head provided that—

- (a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and
- (b) bleeding is commenced within 15 seconds of shooting or the sheep or goat is killed by another procedure within 15 seconds of shooting.

(4) A person who uses a captive bolt device must check that the bolt is retracted to its full extent after each shot and if it is not so retracted must ensure that the device is not used again until it has been repaired.

#### Non-penetrative captive bolts

25. No person may stun an animal using a non-penetrative captive bolt except by an instrument which is applied in the proper position and which is used with the correct strength of cartridge or other propellant in accordance with the manufacturer's instructions to produce an effective stun.

#### Percussive blow to the head

26. (1) No person may stun an animal using a non-mechanical percussive blow to the head.

(2) But the prohibition in sub-paragraph (1) does not apply to rabbits, provided that the operation is carried out in such a way that the rabbit is immediately rendered unconscious and remains so until it is dead.

#### Electrical stunning other than by waterbath

27. No person may use electrodes to stun an animal unless—

- (a) appropriate measures are taken to ensure that there is good electrical contact; and
- (b) the strength and duration of the current used is such that the animal is immediately rendered unconscious and remains so until it is dead.

### **Electrical stunning by waterbath**

- 28.** No person may use a waterbath stunner to stun poultry unless—
- (a) the level of the water in the waterbath has been adjusted in order to ensure that there is good contact with each bird's head;
  - (b) the strength and duration of the current used is such that the poultry are immediately rendered unconscious and remain so until dead;
  - (c) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned is maintained;
  - (d) appropriate measures are taken to ensure that the current passes efficiently, in particular that there are good electrical contacts;
  - (e) the waterbath stunner is adequate in size and depth for the type of poultry being stunned; and
  - (f) a person is available to ascertain whether the waterbath stunner has been effective in stunning the poultry and, if it has not been effective, will either stun or kill the poultry without delay.

### **Exposure to gas – pigs**

**29.** (1) No person may stun pigs by exposure to gas unless each pig is exposed to the gas for long enough to ensure it is killed.

(2) The business operator and any person engaged in the stunning of pigs by exposure to gas must ensure that—

- (a) the gas stunner, including any equipment used for conveying a pig through the gas mixture, is designed, constructed and maintained so as to—
  - (i) avoid compression of the chest of a pig;
  - (ii) enable a pig to remain upright until it loses consciousness; and
  - (iii) enable a pig to see other pigs as it is conveyed in the gas stunner;
- (b) adequate lighting is provided in the gas stunner and the conveying mechanism to allow pigs to see other pigs or their surroundings;
- (c) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I);
- (d) there is a means of visually monitoring pigs which are in the gas stunner;
- (e) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;
- (f) there is a means of access to any pig with the minimum of delay; and
- (g) no pig is passed through or allowed to remain in the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner.

(3) The business operator and any person engaged in the stunning of pigs by direct exposure to gas mixture 1 (“carbon dioxide at high concentration”) in Table 3 of Chapter I of Annex I must ensure that—

- (a) no pig enters the gas stunner if the displayed concentration by volume of carbon dioxide in the gas mixture falls below 80%; and
- (b) once a pig enters the gas stunner it is conveyed to the point in the gas stunner of maximum concentration of the gas mixture within a maximum period of 30 seconds.

### **Exposure to gas – poultry**

**30.** (1) No person may stun poultry by exposure to gas unless each bird is exposed to the gas for long enough to ensure it is killed.

(2) No person may stun poultry by exposure to—

- (a) gas mixture 3 (“carbon dioxide associated with inert gases”) in Table 3 of Chapter I of Annex I unless the carbon dioxide concentration is 30% by volume or less and the oxygen concentration is 2% by volume or less; or
- (b) gas mixture 4 (“inert gases”) in Table 3 of Chapter I of Annex I unless the oxygen concentration is 2% by volume or less.

(3) The business operator and any person engaged in the stunning of poultry by exposure to gas must ensure that—

- (a) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I and this Schedule);
- (b) there is a means of visually monitoring poultry which are in the gas stunner;
- (c) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;
- (d) there is a means of access to any poultry with the minimum of delay;
- (e) no poultry are passed through or allowed to remain in the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner; and
- (f) no poultry are shackled before they are dead.

(4) The business operator and any person engaged in the stunning of poultry by exposure to gas mixture 3 (“carbon dioxide associated with inert gases”) or gas mixture 4 (“inert gases”) in Table 3 of Chapter I of Annex I must ensure that no bird enters the gas stunner if, as appropriate—

- (a) the displayed concentration of oxygen is above 2% by volume, except that the concentration of oxygen may occasionally rise to a concentration of not more than 5% by volume for not more than 30 seconds; or
- (b) the displayed concentration of carbon dioxide is above 30% by volume.

### **Bleeding or pithing**

**31.** (1) A person engaged in the bleeding or pithing of an animal which has been simple stunned must ensure that the animal is bled or pithed without delay after it has been simple stunned.

(2) A person engaged in the bleeding of an animal which has been simple stunned must ensure that the bleeding is—

- (a) rapid, profuse and complete; and
- (b) completed before the animal regains consciousness.

(3) Without prejudice to the generality of paragraph 3.2 of Annex III, if an animal is bled after simple stunning, no person may cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of—

- (a) in the case of a turkey or goose, a period of not less than 2 minutes;
- (b) in the case of any other bird, a period of not less than 90 seconds;
- (c) in the case of bovine animals, a period of not less than 30 seconds; or
- (d) in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds.



- (4) Sub-paragraph (3) does not apply to an animal which has been pithed.

## Horses

- 32.** No person may kill a horse—
- (a) except in a room or bay which has been provided for the killing of horses in accordance with paragraph 9(a);
  - (b) in a room or bay in which there are the remains of a horse or other animal; or
  - (c) within sight of any other horse.

## SCHEDULE 2

Regulation 26

### ADDITIONAL REQUIREMENTS FOR KILLING ANIMALS OTHER THAN IN SLAUGHTERHOUSES

## PART 1

### Introductory

## Interpretation

- 1.** In this Schedule, “animal” (“*anifail*”) means solipeds, ruminants, pigs, rabbits, poultry or ratites.

## Scope

- 2.** (1) This Schedule applies to—
- (a) the killing of animals in a knacker’s yard;
  - (b) the killing of poultry or rabbits on the farm for the purpose of directly supplying small quantities of meat by the producer to the final consumer or to local retail establishments supplying such meat directly to the final consumer as fresh meat in accordance with Article 11; and
  - (c) the killing of animals other than in a slaughterhouse or in the circumstances mentioned in paragraph (a) or (b).
- (2) But in the case of animals killed in the circumstances mentioned in sub-paragraph (1)(c)—
- (a) Parts 2 and 3 do not apply; and
  - (b) Part 4 does not apply unless the animal is killed by bleeding.

## Exemptions

- 3.** (1) Nothing in this Schedule applies to—
- (a) the killing of an animal in a slaughterhouse;
  - (b) the killing of an animal for the purpose of disease control unless it is stunned by penetrative captive bolt or electrocution in which case it must be stunned in accordance with paragraphs 34, 37 or 38 of Part 5 (as the case may be);

- (c) the killing of a pig, sheep or goat by its owner for the owner's private domestic consumption unless it is killed by bleeding in which case it must be stunned and bled in accordance with Part 5; or
- (d) the killing of surplus chicks which are less than 72 hours old or embryos in hatchery waste provided that paragraph 44 is complied with.

(2) In this paragraph, "disease control" (*"rheoli clefyd"*) means the control by the competent authority of any disease which is notifiable by or under the provisions of the Animal Health Act 1981(18) or in pursuance of any EU obligation.

## PART 2

### Layout, construction and equipment of premises

#### General requirements

4. The business operator must ensure that—
- (a) it has suitable equipment and facilities available for the purpose of unloading animals from means of transport;
  - (b) there are no sharp edges or protrusions with which an animal may come into contact;
  - (c) the place of killing is sited in such a way as to minimise handling of the animal at any time up to the point of killing;
  - (d) any instrument, restraining equipment, other equipment or installation which is used for stunning or killing is designed, constructed and maintained so as to facilitate rapid and effective stunning or killing; and
  - (e) any defect found in back-up stunning or killing equipment is rectified forthwith.

#### Animals delivered other than in containers

5. The business operator must ensure that—
- (a) equipment for unloading animals delivered other than in containers is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection;
  - (b) bridges, ramps and gangways are fitted with sides, railings or some other means of protection to prevent animals falling off them;
  - (c) exit and entry ramps have the minimum possible incline; and
  - (d) all passageways are constructed to minimise the risk of injury to an animal and arranged to take account of the gregarious tendencies of the animals which use them.

#### Lairages other than field lairages

6. The business operator must ensure that—
- (a) a sufficient number of pens are provided at the premises for adequate lairaging of animals with protection from the effects of adverse weather conditions; and
  - (b) a lairage has—
    - (i) a floor which minimises the risk of slipping and which does not cause injury to an animal which is in contact with it;

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(18) 1981 c.22.

- (ii) adequate ventilation to ensure that temperature, air relative humidity and ammonia levels are kept within limits that are not harmful to an animal, taking into account the extremes of temperature and humidity which may be expected;
- (iii) where ventilation is provided other than naturally, a replacement means of maintaining adequate ventilation available for use if the original source of ventilation fails;
- (iv) adequate lighting (whether fixed or portable) to enable animals to be thoroughly inspected at any time;
- (v) where necessary, suitable equipment for tethering animals; and
- (vi) drinking facilities and racks, mangers or other equipment adequate in number and size for the watering and feeding of all animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

### **Field lairages**

7. The business operator must ensure that a field lairage—
- (a) if it is without natural shelter or shade and is used during adverse weather conditions, has appropriate protection against such conditions for any animal using it;
  - (b) is maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard;
  - (c) where necessary, has suitable equipment for tethering animals;
  - (d) has adequate lighting (whether fixed or portable) available to enable the animals to be thoroughly inspected at any time; and
  - (e) is provided with drinking facilities and, if necessary, with racks, mangers or other equipment adequate in number and size for the watering and feeding of all animals confined in the field lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

### **Shackle lines**

8. The business operator must ensure that—
- (a) any shackle line is designed and positioned in such a way that poultry suspended on it are kept clear of any obstruction and disturbance is reduced to a minimum;
  - (b) the whole length of the shackle line up to the point of entry into the scald tank is immediately accessible to any person so that poultry may, if necessary, receive attention; and
  - (c) there is ready access to any shackle line or processing equipment used for live poultry and to any controls of such equipment.

### **Stunning pens**

9. The business operator must ensure that a stunning pen used to restrain adult bovine animals for the purpose of stunning is constructed so as to—
- (a) permit one animal at a time to be confined in it without discomfort;
  - (b) prevent any substantial movement forwards, backwards or sideways of an animal confined in it;

- (c) restrict the movement of the head of an animal confined in it so as to permit accurate stunning and allow the head of an animal to be released immediately after the animal has been stunned; and
- (d) allow unimpeded access to the forehead of an animal confined in it.

#### **Facilities for horses**

**10.** Where a knacker's yard is one in which horses are killed, the business operator must ensure that—

- (a) a separate room or bay is provided for the killing of horses; and
- (b) a lairage in which a horse is confined, must contain at least one loose box which is so constructed as to minimise the danger of any horse injuring itself or any other animal confined in that lairage.

## **PART 3**

### **Handling operations**

#### **General requirements**

**11.** The business operator and any person engaged in the movement or lairaging of animals must ensure that—

- (a) every animal is unloaded as soon as possible after its arrival;
- (b) every animal is protected from adverse weather conditions and is provided with adequate ventilation;
- (c) if an animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means;
- (d) pending the killing of a sick or disabled animal it is kept apart from any animal which is not sick or disabled; and
- (e) no person drags an animal which has been stunned or killed over any other animal which has not been stunned or killed.

#### **Inspection of animals**

**12.** The business operator must ensure that the condition and state of health of every animal is inspected at least every morning and evening by the business operator or by a competent person acting on the business operator's behalf.

#### **Animals which have experienced pain or suffering and unweaned animals**

**13.** The business operator and any person engaged in the movement or lairaging of animals must ensure that the following animals are killed immediately—

- (a) animals which have experienced pain or suffering during transport or following arrival; and
- (b) animals which are too young to take solid feed.

### **Emergency killing**

14. The business operator and any person engaged in the movement or lairaging of animals must ensure that an animal which is unable to walk is not dragged to its place of killing but—

- (a) is killed where it lies; or
- (b) if it is possible and to do so would not cause any unnecessary pain or suffering, is transported on a trolley or movable platform to a place of emergency killing where it is then immediately killed.

### **Animals delivered other than in containers**

15. The business operator and any person engaged in the movement or lairaging of animals which are delivered other than in a container must ensure that—

- (a) care is taken not to frighten, excite or mistreat an animal;
- (b) no animal is overturned;
- (c) if an animal is not killed immediately on arrival, it is lairaged; and
- (d) no animal is taken to the place of killing unless it can be killed without delay.

### **The lifting or dragging of animals**

16. No person may lift or drag an animal by the head, horns, ears, feet, tail, fleece or any other part of its body in such a way as to cause it unnecessary pain or suffering.

### **The driving of animals**

17. No person may lead or drive an animal over ground or floor, the nature or condition of which is likely to cause the animal to slip or fall.

### **Moving animals with care**

18. The business operator and any person engaged in the movement of animals must ensure that every animal is moved with care and, when necessary, that animals are led individually.

### **Instruments to guide animals**

19. The business operator and any person engaged in the movement of animals must ensure that any instrument intended for guiding an animal is used solely for that purpose and only for short periods on individual animals.

### **Instruments to make animals move**

20. No person may use an instrument which administers an electric shock to make an animal move, except that such an instrument which has been designed for the purpose of making an animal move may be used on adult bovine animals and adult pigs which refuse to move, provided that—

- (a) the use of such an instrument is avoided as far as possible;
- (b) the shocks last no more than one second each, are adequately spaced out and are not used repeatedly if the animal fails to respond;
- (c) the animal has room ahead of it in which to move; and
- (d) such shocks are applied only to the muscles of the hindquarters.

### **Treatment of animals**

21. No person may—

- (a) strike, or apply pressure to, any particularly sensitive part of the body of an animal;
- (b) crush, twist or break the tail of an animal or grasp the eyes of an animal; or
- (c) inflict any blow or kick to an animal.

### **Lairaging of animals**

22. The business operator and any person engaged in the lairaging of an animal must ensure that

- (a) an adequate supply of suitable bedding material is provided for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor;
- (b) an animal which is kept in a lairage has drinking water available to it from appropriate facilities at all times;
- (c) a sufficient quantity of wholesome food is provided for an animal on its arrival at the lairage and twice daily thereafter, except that no animal need be fed within 12 hours of the time at which it is killed;
- (d) food is provided in a way which will permit the animals to feed without unnecessary disturbance;
- (e) an animal which is lairaged untethered is able to lie down, stand up and turn round without difficulty; and
- (f) an animal which is lairaged tethered is able to lie down and stand up without difficulty.

### **Handling of animals delivered in containers**

23. The business operator and any person engaged in the movement of animals delivered in containers must ensure that—

- (a) any container in which an animal is transported is handled with care and is not thrown, dropped or knocked over;
- (b) where possible, the container is loaded and unloaded horizontally and mechanically;
- (c) any animal delivered in a container with a perforated or flexible bottom is unloaded with particular care in order to avoid injury; and
- (d) where appropriate, animals are unloaded from containers individually.

### **Killing of animals delivered in containers**

24. The business operator and any person engaged in the movement or handling of animals delivered in containers must ensure that—

- (a) animals which have been transported in containers are killed as soon as possible; and
- (b) if killing is delayed and if it is necessary—
  - (i) the animals have drinking water available to them from appropriate facilities at all times; and
  - (ii) a sufficient quantity of wholesome food is provided for the animals on arrival at the lairage and twice daily thereafter, except that no animal need be fed within 12 hours of the time at which it is killed.

### **Poultry awaiting killing at place of purchase**

**25.** The business operator or person in charge of any premises at which poultry are offered or exposed for sale prior to being killed there must ensure that, on arrival at the premises, the poultry are without delay—

- (a) placed in accommodation in which they are able, without difficulty, to stand upright, turn around and stretch their wings; and
- (b) provided with a sufficient supply of wholesome food and clean drinking water.

## **PART 4**

### **Restraining operations**

#### **General requirement**

**26.** No person may stun or kill an animal without restraining it in an appropriate manner.

#### **Restraining bovine animals**

**27.** Without prejudice to the generality of paragraph 26, no person may stun an adult bovine animal in a knacker's yard unless at the time it is stunned—

- (a) it is confined in a stunning pen which is in good working order; or
- (b) its head is securely fastened in such a position so as to enable it to be stunned without infliction of avoidable pain, distress or suffering.

#### **Electric currents**

**28.** No person may use electrical stunning or killing equipment or any other instrument which applies an electric current to an animal—

- (a) as a means of restraining an animal;
- (b) as a means of immobilising an animal; or
- (c) except in accordance with paragraph 20 of this Schedule, as a means of making an animal move.

#### **Tying legs**

**29.** No person may tie the legs of an animal.

#### **Suspending animals**

**30.** (1) No person may suspend an animal before stunning or killing.

(2) Sub-paragraph (1) does not apply in the case of poultry which may be suspended for stunning or killing provided that—

- (a) appropriate measures are taken to ensure that, at the point of being stunned or killed, the poultry are in a sufficiently relaxed state for stunning or killing to be carried out effectively and without undue delay; and
- (b) no poultry are suspended for more than 3 minutes in the case of a turkey or 2 minutes in other cases before being stunned or killed.

### **Shackle lines**

- 31.** (1) No person may operate a shackle line unless—
- (a) poultry suspended from it are kept clear of any object which may cause avoidable pain, distress or suffering, including when their wings are outstretched, until they are stunned;
  - (b) it is possible to relieve any avoidable pain, distress or suffering which poultry suspended from shackles appear to be suffering or to remove poultry from the shackles; and
  - (c) the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, poultry suspended from it can be performed without undue haste and with proper regard for the welfare of the poultry.
- (2) No person may, in connection with the stunning or killing of poultry, use a shackle line, machine or other equipment unless it is used in connection with the stunning or killing of poultry of the type, size and weight for which it was designed, save in an emergency where it is used to relieve suffering.

### **Restraining operations**

- 32.** The business operator and any person engaged in the stunning or killing of an animal must ensure that an animal which is to be stunned or killed by mechanical or electrical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

## **PART 5**

### **Stunning and killing operations**

#### **General requirements**

- 33.** (1) The business operator and any person engaged in the stunning or killing of an animal must ensure that any instrument, restraining equipment, installation or other equipment which is used for stunning or killing is used in such a way as to facilitate rapid and effective stunning or killing.
- (2) In the case of simple stunning, no person may stun an animal unless it is possible to kill it without delay.

#### **Penetrative captive bolts**

- 34.** (1) No person may use a penetrative captive bolt device to stun an animal unless—
- (a) subject to sub-paragraph (3), the device is positioned and applied so as to ensure that the bolt enters the cerebral cortex; and
  - (b) the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.
- (2) No person may shoot a bovine animal in the back of the head.
- (3) No person may shoot a sheep or goat in the back of the head, unless the presence of horns prevents use of the top or the front of the head, in which case it may be shot in the back of the head provided that—
- (a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and
  - (b) bleeding is commenced within 15 seconds of shooting or the sheep or goat is killed by another procedure within 15 seconds of shooting.



(4) A person who uses a captive bolt device must check that the bolt is retracted to its full extent after each shot and if it is not so retracted must ensure that the device is not used again until it has been repaired.

#### **Non-penetrative captive bolts**

**35.** No person may stun an animal using a non-penetrative captive bolt except by an instrument which is applied in the proper position and which is used with the correct strength of cartridge or other propellant in accordance with the manufacturer's instructions to produce an effective stun.

#### **Percussive blow to the head**

**36.** (1) No person may stun an animal using a non-mechanical percussive blow to the head.

(2) But the prohibition in sub-paragraph (1) does not apply to rabbits, provided that the operation is carried out in such a way that the rabbit is immediately rendered unconscious and remains so until it is dead.

#### **Electrical stunning other than by waterbath**

**37.** (1) No person may use electrodes to stun an animal unless—

- (a) appropriate measures are taken to ensure that there is good electrical contact; and
- (b) the strength and duration of the current used is such that the animal is immediately rendered unconscious and remains so until it is dead.

(2) No person may use electrodes to stun an animal individually unless the apparatus—

- (a) incorporates an audible or visible device indicating the length of time of its application to an animal; and
- (b) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

#### **Electrical stunning by waterbath**

**38.** No person may use a waterbath stunner to stun poultry unless—

- (a) the level of the water in the waterbath has been adjusted in order to ensure that there is good contact with each bird's head;
- (b) the strength and duration of the current used is such that the poultry are immediately rendered unconscious and remain so until dead;
- (c) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned is maintained;
- (d) appropriate measures are taken to ensure that the current passes efficiently, in particular that there are good electrical contacts;
- (e) the waterbath stunner is adequate in size and depth for the type of poultry being stunned;
- (f) the waterbath stunner does not overflow at the entrance, or, if an overflow is unavoidable, measures are taken to ensure that no poultry receive an electric shock before they are stunned;
- (g) the electrode which is immersed in the water extends the length of the waterbath; and
- (h) a person is available to ascertain whether the waterbath stunner has been effective in stunning the poultry and, if it has not been effective, will either stun or kill the poultry without delay.

### **Exposure to gas – prohibition**

- 39.** (1) No person may stun an animal outside a slaughterhouse by exposure to gas.
- (2) But the prohibition in sub-paragraph (1) does not apply to the stunning of—
- (a) pigs in a knacker’s yard, or
  - (b) poultry,
- provided that pigs or poultry are stunned in accordance with paragraphs 40 or 41, as appropriate.

### **Exposure to gas – pigs**

**40.** (1) No person may stun pigs by exposure to gas unless each pig is exposed to the gas for long enough to ensure it is killed.

(2) No person may stun pigs by exposure to gas mixture 5 (“carbon monoxide pure source”) in Table 3 of Chapter I of Annex I.

(3) The business operator and any person engaged in the stunning of pigs by exposure to gas must ensure that—

- (a) the gas stunner, including any equipment used for conveying a pig through the gas mixture, is designed, constructed and maintained so as to—
  - (i) avoid injury to a pig;
  - (ii) avoid compression of the chest of a pig;
  - (iii) enable a pig to remain upright until it loses consciousness; and
  - (iv) enable a pig to see other pigs as it is conveyed in the gas stunner;
- (b) adequate lighting is provided in the gas stunner and the conveying mechanism to allow pigs to see other pigs or their surroundings;
- (c) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I);
- (d) there is a means of visually monitoring pigs which are in the gas stunner;
- (e) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;
- (f) there is a means of access to any pig with the minimum of delay;
- (g) the gas stunner is equipped with devices to—
  - (i) measure and continuously display the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I); and
  - (ii) give clearly visible and audible warning signals if the gas concentration falls below the required level (in accordance with Table 3 of Chapter I of Annex I); and
- (h) no pig is passed through or allowed to remain in the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner.

(4) The business operator and any person engaged in the stunning of pigs by direct exposure to gas mixture 1 (“carbon dioxide at high concentration”) in Table 3 of Chapter I of Annex I must ensure that—

- (a) no pig enters the gas stunner if the displayed concentration by volume of carbon dioxide in the gas mixture falls below 80%; and
- (b) once a pig enters the gas stunner it is conveyed to the point in the gas stunner of maximum concentration of the gas mixture within a maximum period of 30 seconds.

## **Exposure to gas – poultry**

- 41.** (1) No person may stun poultry by exposure to gas unless—
- (a) each bird is exposed to the gas for long enough to ensure it is killed; and
  - (b) in the case of stunning poultry in the circumstances mentioned in paragraph 2(1)(c) of this Schedule—
    - (i) stunning takes place on the premises where the poultry have been kept for the production of meat, eggs or other products; and
    - (ii) the owner of the poultry gives prior written notice to the competent authority, not less than five working days before the date on which the stunning takes place.
- (2) No person may stun poultry by exposure to—
- (a) gas mixture 3 (“carbon dioxide associated with inert gases”) in Table 3 of Chapter I of Annex I unless the carbon dioxide concentration is 20% by volume or less and the oxygen concentration is 5% by volume or less;
  - (b) gas mixture 4 (“inert gases”) in Table 3 of Chapter I of Annex I unless the oxygen concentration is 2% by volume or less; or
  - (c) gas mixture 5 (“carbon monoxide pure source”) in Table 3 of Chapter I of Annex I.
- (3) The business operator and any person engaged in the stunning of poultry by exposure to gas must ensure that—
- (a) the gas stunner, including any equipment used for conveying poultry through the gas, is designed, constructed and maintained so as to avoid injury to a bird;
  - (b) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I);
  - (c) there is a means of visually monitoring poultry which are in the gas stunner;
  - (d) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;
  - (e) there is a means of access to any poultry with the minimum of delay;
  - (f) the gas stunner is equipped with devices to—
    - (i) measure and continuously display the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I); and
    - (ii) give clearly visible and audible warning signals if the gas concentration falls below the required level (in accordance with Table 3 of Chapter I of Annex I);
  - (g) no poultry are passed through or allowed to remain in the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner;
  - (h) poultry which arrive at the gas stunner in a transport crate and which are removed from the crate before entering the gas stunner are handled with care in a way that does not cause avoidable pain, distress or suffering; and
  - (i) after exposure to the gas nothing more is done to a bird until it is ascertained as dead.
- (4) No person may operate a gas stunner consisting of a poultry shed or other building previously sealed to stun poultry by exposure to gas except under the direct supervision of a veterinary surgeon.
- (5) In sub-paragraph (4), “poultry shed” (“*sied dofednod'*”) means a building designed and constructed to house poultry that has been previously sealed so as to be capable of containing the gas mixtures in Table 3 of Chapter I of Annex I.

### **Bleeding or pithing**

42. (1) A person engaged in the bleeding or pithing of an animal which has been simple stunned must ensure that the animal is bled or pithed without delay after it has been simple stunned.

(2) A person engaged in the bleeding of an animal which has been simple stunned must ensure that the bleeding is—

- (a) rapid, profuse and complete;
- (b) completed before the animal regains consciousness; and
- (c) carried out by severing the two carotid arteries or the blood vessels from which they arise.

(3) If an animal is bled after simple stunning, no person may cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of—

- (a) in the case of a turkey or goose, a period of not less than 2 minutes;
- (b) in the case of any other bird, a period of not less than 90 seconds;
- (c) in the case of bovine animals, a period of not less than 30 seconds; or
- (d) in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds.

(4) Sub-paragraph (3) does not apply to an animal which has been pithed.

(5) Where one person is responsible for the simple stunning and pithing, or for the simple stunning, shackling, hoisting and bleeding, of animals other than birds or rabbits or for some of those operations, such operations must be carried out by that person consecutively in respect of one animal before being so carried out by that person in respect of another animal.

(6) Where one person is responsible for the simple stunning and bleeding of birds or rabbits, those operations must be carried out by that person consecutively in respect of one bird or rabbit before being so carried out by that person in respect of another bird or rabbit.

### **Horses**

43. No person may kill a horse in a knacker's yard—

- (a) except in a room or bay provided for that purpose in accordance with paragraph 10(a);
- (b) in a room or bay in which there are the remains of a horse or other animal; or
- (c) within sight of any other horse.

### **Surplus chicks in hatchery waste**

44. (1) No person may kill surplus chicks which are less than 72 hours old in hatchery waste except by one of the following methods—

- (a) maceration in accordance with Table 1 of Chapter I and Chapter II of Annex I;
- (b) exposure to a gas mixture in accordance with Table 3 of Chapter I and Chapter II of Annex I and this paragraph; or
- (c) where there is no other method available for killing, cervical dislocation in accordance with Table 1 of Chapter I and Chapter II of Annex I.

(2) No person may kill surplus chicks which are less than 72 hours old in hatchery waste by exposure to a gas mixture unless the chicks are placed in the gas mixture and remain in the gas mixture until dead.

(3) The killing of surplus chicks which are less than 72 hours old in hatchery waste must be as rapid as possible.

## SCHEDULE 3

Regulation 27

### ADDITIONAL REQUIREMENTS FOR KILLING ANIMALS IN ACCORDANCE WITH RELIGIOUS RITES

#### PART 1

##### Introductory

##### Interpretation

1. In this Schedule—

- (a) “bovine animal” (“*anifail buchol*”) means an ox, bullock, cow, heifer, steer or calf;
- (b) “bird” (“*aderyn*”) means a turkey, domestic fowl, guinea-fowl, duck, goose or quail;
- (c) “killing in accordance with religious rites” (“*lladd yn unol â defodau crefyddol*”) means killing without the infliction of unnecessary suffering—
  - (i) by the Jewish method (Shechita) for the food of Jews by a Jew who is licensed by the Rabbinical Commission and holds a certificate for that purpose, or
  - (ii) by the Muslim method (Halal) for the food of Muslims by a Muslim who holds a certificate for that purpose.

##### General prohibition

2. (1) No person may kill an animal in accordance with religious rites without prior stunning unless it is a sheep, goat, bovine animal or bird killed in a slaughterhouse in accordance with this Schedule.

(2) Nothing in this Schedule applies to the killing of animals in accordance with religious rites which are stunned before killing, but in such cases an animal must be restrained and stunned in accordance with the EU Regulation and Schedule 1.

#### PART 2

##### Sheep, goats and bovine animals

##### Restraint of adult bovine animals

3. (1) Subject to sub-paragraph (2), no person may kill an adult bovine animal in a slaughterhouse in accordance with religious rites without prior stunning unless the animal is individually restrained in an upright position in a restraining pen which has been approved in writing by the competent authority and which the competent authority is satisfied has been installed in such a manner as to ensure that it will operate efficiently.

(2) Approval may not be granted by the competent authority under sub-paragraph (1) unless the competent authority is satisfied that the pen is of such a size and design, and is able to be operated, so as to protect an adult bovine animal from avoidable pain, suffering, agitation, injuries or contusions while confined in it or while entering it and, in particular, unless the competent authority is satisfied that the pen—

- (a) contains an effective means of restraining a bovine animal confined in it (including a suitable head restraint for that purpose);

- (b) contains means of support which will take the weight of a bovine animal during and following killing in it;
- (c) permits one bovine animal at a time to be confined in it without discomfort; and
- (d) prevents any substantial movement of a bovine animal forwards, backwards or sideways once it has been placed in position for killing.

(3) A restraining pen approved under paragraph 3 of Schedule 12 to the 1995 Regulations will, on the coming into force of these Regulations, become an approved restraining pen for the purposes of sub-paragraphs (1) and (2).

#### **Use and maintenance of restraining pens**

4. The business operator must ensure that—
- (a) the means of restraining and supporting an adult bovine animal confined in a restraining pen described in paragraph 3(2)(a) and (b) are used in respect of any bovine animal confined in it;
  - (b) the restraining pen is kept in good working order; and
  - (c) if it has been modified after it has been approved by the competent authority, the restraining pen is not used again until a new approval is given by the competent authority.

#### **Method of killing**

5. Any person who kills a sheep, goat or bovine animal in accordance with religious rites without prior stunning must—
- (a) ensure it is killed by the severance of both its carotid arteries and jugular veins by rapid, uninterrupted movements of a hand-held knife; and
  - (b) immediately before killing, inspect the knife to be used to ensure it is—
    - (i) undamaged; and
    - (ii) of sufficient size and sharpness to kill the sheep, goat or bovine animal in the manner described in sub-paragraph (a).

#### **Handling of sheep, goats and bovine animals during killing**

6. (1) The business operator and any person engaged in the killing of a sheep, goat or bovine animal in accordance with religious rites without prior stunning must ensure that—
- (a) it is not placed in restraining equipment unless the person who is to carry out the killing is ready to make the incision immediately after it is placed in the equipment; and
  - (b) appropriate back-up stunning equipment is kept close to the restraining equipment for use in case of emergency and is immediately used where it is subjected to any avoidable pain, suffering or agitation or has any injuries or contusions.
- (2) The business operator and any person engaged in the killing of a sheep, goat or bovine animal in accordance with religious rites without prior stunning must ensure that where it has not been stunned before bleeding, it is not shackled, hoisted or moved in any way until it is unconscious and in any event not before the expiry of—
- (a) in the case of a sheep or a goat, a period of not less than 20 seconds; and
  - (b) in the case of a bovine animal, a period of not less than 30 seconds,
- after it has been bled in the manner described in paragraph 5.

## PART 3

### Birds

#### Method of killing

7. Any person engaged in the killing of a bird in accordance with religious rites without prior stunning must ensure—

- (a) the bird is killed by the severance of both of its carotid arteries by rapid, uninterrupted movements of a hand-held knife; and
- (b) the knife to be used for killing is—
  - (i) undamaged; and
  - (ii) of sufficient size and sharpness to kill each bird in the manner described in subparagraph (a).

#### Handling birds during killing

8. The business operator and any person engaged in the killing of a bird in accordance with religious rites without prior stunning must ensure that, where the bird has not been stunned before bleeding, no further dressing procedure or any electrical stimulation is performed on the bird if it presents any signs of life, and in any event not before the expiry of—

- (a) in the case of a turkey or goose, a period of not less than 2 minutes; and
- (b) in the case of any other bird, a period of not less than 90 seconds,

after it has been bled in the manner described in paragraph 7.

## PART 4

### Rabbinical Commission

#### Membership

9. (1) The Rabbinical Commission for the licensing of persons carrying out the killing of animals in accordance with the Jewish method (Shechita) must consist of a permanent chairman and nine other members.

(2) The permanent chairman must, by virtue of that office, be the Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth.

(3) Of the members of the Rabbinical Commission other than the permanent chairman—

- (a) one must be appointed by the Spanish and Portuguese Synagogue (London) as the vice-chairman;
- (b) three must be appointed by the Beth Din appointed by the United Synagogue (London);
- (c) two must be appointed by the Federation of Synagogues (London);
- (d) one must be appointed by the Union of Orthodox Hebrew Congregations (London); and
- (e) two must be appointed by the president of the Board of Deputies of British Jews to represent provincial congregations.

## Supplementary

10. (1) The functions of the Rabbinical Commission may be exercisable notwithstanding a vacancy amongst the members.

(2) The quorum of the Rabbinical Commission is four.

## SCHEDULE 4

Regulation 28

### KILLING ANIMALS OTHER THAN THOSE TO WHICH THE EU REGULATION APPLIES

## Interpretation

1. In this Schedule—

- (a) “animal” (“*anifail*”) means—
  - (i) reptiles and amphibians;
  - (ii) invertebrate animals; or
  - (iii) poultry, rabbits or hares killed elsewhere than in a slaughterhouse by their owner for the owner’s private domestic consumption; and
- (b) “killing” (“*lladd*”), “poultry” (“*dofednod*”), “restraint” (“*ffrwyno*”) and “stunning” (“*stynio*”) have the same meanings as in the EU Regulation.

## Scope

2. Subject to paragraph 3, this Schedule applies to the killing of animals which are bred or kept for the production of meat, skin or other products.

## Exemptions

3. This Schedule does not apply to animals which are killed—
- (a) as a result of any act lawfully done under the Animals (Scientific Procedures) Act 1986.;
  - (b) during hunting or recreational fishing activities; or
  - (c) during sporting events.

## Humane killing

4. (1) No person engaged in the restraint, stunning or killing of an animal may—
- (a) cause any avoidable pain, distress or suffering to that animal; or
  - (b) permit that animal to sustain any avoidable pain, distress or suffering.
- (2) No person may engage in the restraint, stunning or killing of an animal unless that person has the knowledge and skill necessary to perform those operations humanely and efficiently.

## Poultry, rabbits or hares bled for private domestic consumption

5. Poultry, rabbits or hares which are bled by their owner outside a slaughterhouse for the owner’s private domestic consumption must be—

- (a) stunned before bleeding in accordance with the methods and specific requirements in Chapters I and II of Annex I and, where appropriate, Part 5 of Schedule 2; and



(b) bled after stunning without delay.

## SCHEDULE 5

Regulation 30(1)(g)

## PROVISIONS OF THE EU REGULATION

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the EU Regulation containing welfare requirement</i>	<i>Subject matter</i>
Article 3(1)	General requirement to spare an animal avoidable pain, distress or suffering.
Article 3(2)	Measures to protect animals from avoidable pain, distress or suffering.
Article 3(3)	Facilities for killing and related operations.
Article 4(1) and Annex I	Stunning methods.
Article 5(1)	Checks on stunning.
Article 5(2)	Checks on animals killed in accordance with religious rites.
Article 6(1) and (2)	Standard operating procedures.
Article 7(1)	Level of competence.
Article 7(3)	Killing of fur animals.
Article 8	Sale of restraining or stunning equipment.
Article 9(1)	Maintenance of restraining and stunning equipment.
Article 9(2)	Back-up stunning equipment.
Article 9(3)	Placing of animals in restraining equipment.
Article 12	Meat imported from third countries.
Article 14(1) and Annex II	Layout and construction of, and equipment in, slaughterhouses.
Article 15(1) and Annex III	Handling and restraining operations.
Article 15(2)	Restraint of animals killed in accordance with religious rites.
Article 15(3)	Prohibited methods of restraint.
Article 16(1) to (4)	Monitoring procedures.
Article 17(1) to (5)	Animal Welfare Officer.
Article 19	Emergency killing.

## SCHEDULE 6

Regulation 43

## CONSEQUENTIAL AND SUPPLEMENTARY AMENDMENTS

**The Meat (Official Controls Charges) (Wales) Regulations 2009**

1. (1) The Meat (Official Controls Charges) (Wales) Regulations 2009<sup>(19)</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation), in paragraph (b) of the definition “controls”—
- (a) before “at slaughterhouses”, insert “pursuant to Regulation 854/2004,”; and
  - (b) for “the Welfare of Animals (Slaughter or Killing) Regulations 1995” substitute “Council Regulation (EC) No 1099/2009 and the Welfare of Animals at the Time of Killing (Wales) Regulations 2014”.

## SCHEDULE 7

Regulation 44

## TRANSITIONAL PROVISIONS (CERTIFICATES)

**Operations in a slaughterhouse immediately before 1 January 2013**

1. (1) A person may carry out an operation specified in sub-paragraph (2) on a category of animal in a slaughterhouse without holding a certificate registered with the competent authority or temporary certificate if that person was engaged in carrying out that operation on that category of animal immediately before 1 January 2013.

- (2) The operations referred to in sub-paragraph (1) are—
- (a) the handling and care of animals before they are restrained;
  - (b) the killing of an animal by means of a free bullet in the field; and
  - (c) the shackling of poultry before stunning.

(3) Sub-paragraph (1) ceases to apply on the date on which the competent authority grants and registers (or refuses to grant) a certificate or temporary certificate to that person in relation to that operation on that category of animal, or on 8 December 2015, whichever is the earlier.

**Simplified procedure for persons who have three years’ professional experience**

2. (1) This paragraph applies to a person who applies for a certificate before 8 December 2015 who on the date of application, has at least three years’ professional experience in relation to the operation, category of animal and (where appropriate) type of equipment in respect of which the certificate is sought.

(2) A person to whom this paragraph applies is not required to comply with regulation 8(b) if that person—

- (a) demonstrates to the satisfaction of the competent authority that the person has, at the date of application, at least three years’ professional experience in relation to the operation, category of animal and (where appropriate) type of equipment in respect of which the certificate is sought; and
- (b) provides a written declaration from a veterinary surgeon that, in the opinion of the veterinary surgeon, the person is a fit and proper person to hold a certificate.

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(19) S.I. 2009/1557 (W.152).

## SCHEDULE 8

Regulation 45

### TRANSITIONAL PROVISIONS (SLAUGHTERHOUSES)

#### **Animals delivered other than in containers**

1. The business operator must ensure that—
  - (a) bridges, ramps or gangways are fitted with sides, railings or some other means of protection to prevent animals falling off them; and
  - (b) all passageways are constructed to minimise the risk of injury to an animal and arranged to take account of the gregarious tendencies of the animals which use them.

#### **Lairages other than field lairages**

2. The business operator must ensure that a lairage other than a field lairage has—
  - (a) a floor which minimises the risk of slipping and which does not cause injury to any animal which is in contact with it;
  - (b) where ventilation is provided other than naturally, a replacement means of maintaining adequate ventilation available for use if the original source of ventilation fails;
  - (c) adequate lighting (whether fixed or portable) to enable the animals to be thoroughly inspected at any time; and
  - (d) drinking facilities adequate in number and size for the watering of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

#### **Field lairages**

3. The business operator must ensure that a field lairage—
  - (a) if it is without natural shelter or shade and is used during adverse weather conditions, has appropriate protection against such conditions for any animal using it;
  - (b) has adequate lighting (whether fixed or portable) to enable the animals to be thoroughly inspected at any time; and
  - (c) is provided with drinking facilities adequate in number and size for the watering of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

#### **Shackle lines**

4. In the case of a slaughterhouse where poultry are killed, the business operator must ensure that—
  - (a) any shackle line is designed and positioned in such a way that poultry suspended on it are kept clear of any obstruction and disturbance is reduced to a minimum;
  - (b) no poultry are suspended for more than 3 minutes in the case of a turkey or 2 minutes in other cases before being stunned; and
  - (c) the whole length of the shackle line up to the point of entry into the scald tank is immediately accessible to any person so that poultry may if necessary receive attention.

#### **Electrical stunning other than by waterbath**

5. No person may use electrodes to stun an animal individually unless the apparatus—

- (a) incorporates an audible or visible device indicating the length of time of its application to an animal; and
- (b) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

#### **Electrical stunning by waterbath**

6. No person may use a waterbath stunner unless—
- (a) the electrode which is immersed in the water extends the length of the waterbath; and
  - (b) the waterbath stunner does not overflow at the entrance, or, if an overflow is unavoidable, measures are taken to ensure that no poultry receive an electric shock before they are stunned.

#### **Exposure to gas**

7. No person may stun pigs or poultry by exposure to gas unless the gas stunner provided for that purpose, including any equipment used for conveying the pigs or poultry through the gas, is—
- (a) designed, constructed and maintained so as to avoid any injury to a pig or bird; and
  - (b) equipped with devices to—
    - (i) measure and continuously display the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I); and
    - (ii) give clearly visible and audible warning signals if the gas concentration falls below the required level (in accordance with Table 3 of Chapter I of Annex I).

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### **EXPLANATORY NOTE**

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

The Regulations make provision in Wales for the administration and enforcement of Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJ No L 303, 18.11.2009, p.1) (“the EU Regulation”) and certain national rules maintained or adopted under Article 26(1) and (2) of the EU Regulation.

The Regulations revoke the Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I. 1995/731) and amending instruments insofar as they apply to Wales.

Part 1 is introductory and includes definitions and designates the competent authority responsible for various functions under the Regulations.

Chapter 1 of Part 2 requires persons to obtain an EU certificate of competence or temporary certificate of competence before killing animals or carrying out related operations in a slaughterhouse. Part 2, Chapter 1 is subject to the transitional arrangements in Schedule 7 which apply until 8 December 2015. Chapter 2 of Part 2 requires persons to obtain a national licence before killing animals or carrying out related operations elsewhere than in a slaughterhouse, subject to exceptions. The Regulations provide for the refusal, suspension or revocation of certificates of competence, temporary certificates of competence or licences and for the right to appeal against a decision to refuse, suspend or revoke them.

Part 3 and Schedules 1 to 4 set out national rules that have been maintained or adopted in accordance with Article 26(1) and (2) of the EU Regulation to ensure more extensive protection of animals at the time of killing including provision within Schedule 3 for the Rabbinical Commission to licence persons carrying out the killing of animals in accordance with the Jewish method.

Part 4 makes provision for the Welsh Ministers to grant derogations from the provisions of the EU Regulation in exceptional circumstances where compliance is likely to affect human health or significantly slow down the eradication of a disease.

Part 5 sets out the offences for contravening these Regulations or the EU Regulation. Regulation 33 sets out the penalties on summary conviction.

Part 6 contains provisions relating to enforcement. Inspectors, appointed by the competent authority and local authorities, are given powers to ensure compliance with these Regulations and the EU Regulation, including powers of entry and seizure and powers to issue enforcement notices. Breaching an enforcement notice and obstructing inspectors is an offence.

Part 7 provides for consequential and supplementary amendments, transitional provisions and revocations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Office of the Chief Veterinary Officer, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.