STATUTORY INSTRUMENTS

2018 No. 556

ANIMALS, ENGLAND

ANIMAL WELFARE

The Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018

Made - - - -	*2nd May 2018*
Coming into force	
For the purpose of regulations 1 to 4 and 15	*4th May 2018*
For all other purposes	*5th November 2018*

The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising the powers conferred by section 12 of the Animal Welfare Act 2006(**1**), and makes the following Regulations in exercise of those powers.

In accordance with section 12(6) of that Act, the Secretary of State has consulted such persons, appearing to the Secretary of State to represent interests with which these Regulations are concerned, as the Secretary of State considered appropriate.

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

Citation, application and commencement

1.—(1) These Regulations may be cited as the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018 and apply in England only.

(2) This regulation, regulations 2 to 4 and regulation 15 come into force on 4th May 2018.

(3) Regulations 5 to 14 come into force on 5th November 2018.

Interpretation

2. In these Regulations—

"business operator" has the meaning given in Article 2(l) of the EU Regulation;

(**1**) 2006 c. 45. Section 62(1) provides that the appropriate national authority in relation to England is the Secretary of State.

"a CCTV system" means a closed circuit television system and a system for processing images or information obtained by such a system;

"EU Regulation" means Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing(**2**);

"inspector" means a person appointed under regulation 34 of the Welfare of Animals at the Time of Killing (England) Regulations 2015(**3**) or a person appointed as an inspector under section 51 of the Animal Welfare Act 2006;

"killing" has the meaning given in Article 2(a) of the EU Regulation;

"local authority" means a county council, a district council, a London borough council, a metropolitan district, a unitary authority, the Common Council of the City of London or the Council of the Isles of Scilly;

"premises" includes any land, building, shed, pen, receptacle or vehicle of any description;

"processing" means—

(a) receiving, recording, storing, checking, and retrieving; and

(b) disclosure by transmission, dissemination or otherwise making available;

"related operations" has the meaning given in Article 2(b) of the EU Regulation;

"slaughterhouse" has the meaning given in Article 2(k) of the EU Regulation.

Duty to install and operate a CCTV system

3.—(1) A business operator of a slaughterhouse must ensure that a CCTV system is installed that provides a complete and clear image of killing and related operations in all areas of the slaughterhouse where live animals are present.

(2) The business operator must ensure that the CCTV system referred to in paragraph (1)—

(a) is capable of producing images and information for inspection and seizure without interrupting the operation of the system; and

(b) is capable of processing images and information of the same quality as the original images and information.

(3) The business operator must ensure that the CCTV system referred to in paragraph (1) is operational and kept in good working order at all times when live animals are present at the slaughterhouse.

Duty to retain CCTV images and information

4.—(1) The business operator must make arrangements for the retention and storage of any images and information obtained by a CCTV system referred to in regulation 3 for 90 days beginning with the date the images or information are obtained.

(2) The business operator must ensure that the arrangements under paragraph (1) are appropriate to maintain the integrity and quality of the images and information retained.

Power to inspect and seize

5.—(1) An inspector who has entered premises for the purposes of executing and enforcing the Welfare of Animals at the Time of Killing (England) Regulations 2015 or the EU Regulation may for those purposes, or the purposes of executing and enforcing these Regulations—

(**2**) OJNo. L 303, 18.11.2009, p. 1.
(**3**) S.I. 2015/1782.

(a) inspect a CCTV system referred to in regulation 3 on those premises and any images or information obtained by such a CCTV system;

(b) seize or take a copy of any images or information obtained by such a CCTV system;

(c) seize any CCTV equipment, including computers and associated equipment, installed as part of such a CCTV system which does not comply with regulation 3(2)(a), for the purposes of copying images or information;

(d) require any person to provide access to a CCTV system referred to in regulation 3 on request for the purposes of viewing images and information obtained by that system;

(e) require any person to produce or make available for inspection any images or information retained and stored as required by regulation 4 on request;

(f) make any enquiries, and take recordings or photographs;

(g) require the production of any document or record without delay and inspect and take a copy of or extract from such document or record; and

(h) require any person to provide such assistance, information, facilities or equipment as is reasonable, without delay.

(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 reasonably practicable after deciding that those items are no longer required, return them to that person, 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 to the person appearing to be responsible for them as soon as is reasonably practicable.

Enforcement notices

6.—(1) An enforcement notice is a notice in writing—

(a) requiring a person to take specified steps to remedy a contravention of these Regulations;

(b) requiring a person to reduce the rate of operation of a slaughterhouse to such extent as is specified in the notice until that person has taken specified steps to remedy a contravention of these Regulations; or

(c) prohibiting a person from carrying on such activity, process or operation, or using facilities or equipment, as may be specified in the notice until the person has taken specified steps to remedy a contravention of these Regulations.

(2) An inspector who is of the opinion that a person has contravened or is contravening these Regulations may serve on that person an enforcement notice.

(3) An enforcement notice must—

(a) state that the inspector is of the opinion that a person has contravened or is contravening these Regulations;

(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, an 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 on a person if, after service of an enforcement notice on that person, an inspector is satisfied that that 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), by the end of the period specified under paragraph (3)(f), or such other period as may be specified in any variation of the enforcement notice under paragraph (9), the inspector may not serve a completion notice, and must serve a notice in writing, which must—

(a) give reasons for the decision not to serve a completion notice; and

(b) give details for the right of appeal against the decision.

(8) An enforcement notice ceases to have effect upon 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

7.—(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 not 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 a decision not to serve or issue a completion notice.

Notices

8.—(1) Any notice required or authorised to be served under these Regulations on any person may be served 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