SCOTTISH STATUTORY INSTRUMENTS

2003 No. 488

ANIMALS

PREVENTION OF CRUELTY

The Welfare of Farmed Animals (Scotland) Amendment Regulations 2003

Made - - - - 2nd October 2003

Coming into force in accordance with regulation 1

The Scottish Ministers, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968(**1**), and after consultation, in accordance with section 2(1) of that Act, with such persons appearing to them to represent any interests concerned as they have considered appropriate, hereby make the following Regulations, a draft of which has, in accordance with section 2(3) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Welfare of Farmed Animals (Scotland) Amendment Regulations 2003 and shall come into force on the day after the day on which they are made.

Amendments to the Welfare of Farmed Animals (Scotland) Regulations 2000

2.—(1) The Welfare of Farmed Animals (Scotland) Regulations 2000(**2**) are amended in accordance with paragraphs (2) to (4) of this regulation.

(2) After regulation 2(4) insert–

> "(5) Expressions which are not defined in paragraph (1) above and which appear in Council Directive 1991/630/EEC (laying down minimum standards for the protection of pigs)(**3**), Council Directive 2001/88/EC (amending minimum standards for the protection of pigs)(**4**) and Commission Directive 2001/93/EC (further amending minimum standards for the protection of pigs)(**5**) have the same meaning in these Regulations as they have for the purposes of that Community legislation.".

(**1**) 1968 c. 34; by virtue of section 8(4) "the Ministers" means, in relation to Scotland, the Secretary of State, whose functions under section 2 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) S.S.I 2000/442 as amended by S.S.I. 2002/334.
(**3**) O.J. No. L 340, 11/12/91, p.33.
(**4**) O.J. No. L 316, 1/12/01, p.1.
(**5**) O.J. No. L 316, 1/12/01, p.36.

(3) After regulation 8 insert–

"**Training**

8A. Any person who employs or engages a person to attend to pigs must ensure that the person attending to those pigs has received instruction and guidance on the provisions of these Regulations relevant thereto.".

(4) Subject to paragraphs (5) and (6) of this regulation, for Schedule 6 substitute the new Schedule 6 contained in the Schedule to these Regulations.

(5) For all holdings except those newly built, substantially re-built or brought into use for the first time on or after the date on which these Regulations come into force, paragraph 29 of Schedule 6 (as substituted by virtue of paragraph (4) above) shall until 1st January 2005 be modified in its application so that, for paragraph 29, there shall apply the following:–

"**29.** The minimum unobstructed floor area for an adult boar shall be 6 m^2.".

(6) For all holdings except those newly built, substantially re-built or brought into use for the first time on or after the date on which these Regulations come into force, paragraphs 13, 37, 38 and 39 of Schedule 6 shall not apply until 1st January 2013.

St Andrew's House, Edinburgh
2nd October 2003

ROSS FINNIE
A member of the Scottish Executive

SCHEDULE Regulation 2(4)

"SCHEDULE 6 Regulations 2(3) and 8

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF PIGS

PART I

INTERPRETATION

1. In this Schedule–

"boar" means a male pig after puberty, intended for breeding;

"gilt" means a female pig intended for breeding after puberty and before farrowing;

"piglet" means a pig from birth to weaning;

"rearing pig" means a pig from the age of ten weeks to slaughter or service;

"sow" means a female pig after the first farrowing; and

"weaner" means a pig from weaning to the age of ten weeks.

PART II

GENERAL ADDITIONAL CONDITIONS

Inspection

2. All pigs shall be inspected by the owner or keeper of the pigs at least once a day to check that they are in a state of well being.

3. Where necessary, sick or injured pigs shall be temporarily isolated in suitable accommodation, with dry comfortable bedding where appropriate.

Tethering

4. No person shall tether or cause to be tethered any pig except while it is undergoing any examination, test, treatment or operation carried out for any veterinary purpose.

5.—(1) Where the use of tethers is permitted in accordance with paragraph 4, they shall not cause injury to the pigs and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(2) Each tether shall be of sufficient length to allow the pigs to move as stipulated in paragraph 6(2) and the design shall be such as to avoid, as far as possible, any risk of strangulation, pain or injury.

Accommodation

6.—(1) A pig shall be free to turn round without difficulty at all times.

(2) The accommodation used for pigs shall be constructed in such a way as to allow each pig to–

(a) stand up, lie down and rest without difficulty;

(b) have a clean, comfortable and adequately drained place in which it can rest;

(c) see other pigs, unless the pig is isolated for veterinary reasons;

(d) maintain a comfortable temperature; and

(e) have enough space to allow all the animals to lie down at the same time.

7.—(1) The dimension of any stall or pen used for holding individual pigs in accordance with these Regulations shall be such that the internal area is not less than the square of the length of the pig, and no internal side is less than 75% of the length of the pig, the length of the pig in each case being measured from the tip of its snout to the base of its tail while it is standing with its back straight.

(2) Sub-paragraph (1) does not apply to a female pig for the period between seven days before the predicted day of its farrowing and the day on which the weaning of its piglets (including any piglets fostered by it) is complete.

(3) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig in a stall or pen–

(a) while it is undergoing any examination, test, treatment or operation carried out for veterinary purposes;

(b) for the purposes of service, artificial insemination or collection of semen;

(c) while it is fed on any particular occasion;

(d) for the purposes of marking, washing or weighing it;

(e) while its accommodation is being cleaned; or

(f) while it is awaiting loading for transportation,

provided that the period during which it is so kept is not longer than necessary for that purpose.

(4) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig in a stall or pen which the pig can enter or leave at will, provided that the stall or pen is entered from a stall or pen in which the pig is kept without contravention of this paragraph.

Artificially lit buildings

8. Where pigs are kept in an artificially lit building then lighting with an intensity of at least 40 lux shall be provided for a minimum period of 8 hours per day subject to paragraph 16 of Schedule 1.

Prevention of fighting

9.—(1) If pigs are kept together, measures shall be taken to prevent fighting which goes beyond normal behaviour.

(2) Pigs which show persistent aggression towards others or are victims of such aggression shall be isolated or kept separate from the group.

Cleaning and disinfection

10.—(1) Housing, pens, equipment and utensils used for pigs must be properly cleaned and disinfected as necessary to prevent cross-infection and the build-up of disease-carrying organisms.

(2) Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and avoid attracting flies or rodents.

Bedding

11. Where bedding is provided, this must be clean, dry and not harmful to the pigs.

Floors

12. Where pigs are kept in a building, floors shall–

(a) be smooth but not slippery so as to prevent injury to the pigs;

(b) be so designed, constructed and maintained as not to cause injury or suffering to pigs standing or lying on them;

(c) be suitable for the size and weight of the pigs; and

(d) where no litter is provided, form a rigid, even and stable surface.

13. When concrete slatted floors are used for pigs kept in groups–

(a) the maximum width of the openings between the slats must be–

(i) 11 mm for piglets;

(ii) 14 mm for weaners;

(iii) 18 mm for rearing pigs;

(iv) 20 mm for gilts after service and sows; and

(b) the minimum width of the slats must be–

(i) 50 mm for piglets and weaners;

(ii) 80 mm for rearing pigs, gilts after service and sows.

Feeding

14.—(1) All pigs must be fed at least once a day.

(2) Where pigs are housed in a group and do not have continuous access to feed, or are not fed by an automatic feeding system for feeding the animals individually, each pig must have access to the food at the same time as the others in the feeding group.

Drinking water

15. All pigs over two weeks of age must have permanent access to a sufficient quantity of fresh drinking water.

Environmental enrichment

16. To enable proper investigation and manipulation activities, all pigs must have permanent access to a sufficient quantity of material such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not adversely affect the health of the animals.

Prohibition on the use of the sweat-box system

17. Pigs shall not be kept in an environment which involves maintaining high temperatures and high humidity (known as the "sweat-box system").

Noise levels

18.—(1) Pigs shall not be exposed to constant or sudden noise.