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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 442**

**ANIMALS**

**PREVENTION OF CRUELTY**

**The Welfare of Farmed Animals (Scotland) Regulations 2000**

*Made - - - - 14th December 2000*

*Coming into force - - 15th December 2000*

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, commencement and extent**

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (Scotland) Regulations 2000 and shall come into force on the day after the day on which they are made.

(2) These Regulations extend to Scotland only.

**Interpretation and application**

2.—(1) In these Regulations—

“animal” means any animal (including fish, reptiles or amphibians) bred or kept for the production of food, wool, skin or fur or for other farming purposes;

“authorised person” means any person authorised by the Scottish Ministers under section 6 of the Agriculture (Miscellaneous Provisions) Act 1968(2);

“battery cage” means an enclosed space intended for laying hens in a battery system;

“battery system” means an arrangement of battery cages in rows or tiers or rows and tiers;

“calf” means a bovine animal up to six months old;

“keeper” means any person responsible for or in charge of animals whether on a permanent or temporary basis;

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(1) 1968 c. 34; by virtue of section 8(4) “the Ministers” means, in relation to Scotland, the Secretary of State. The functions conferred on the Secretary of State under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) The functions of the Minister were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

“laying hen” means an adult hen of the species *Gallus gallus* which is kept for egg production;  
 “pig” means an animal of the porcine species of any age, kept for breeding or fattening;  
 “statutory welfare code” means a code for the time being issued by the Scottish Ministers under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(3); and  
 “zootechnical treatment” has the meaning given by Article 1(2)(c) of Directive 96/22/EEC(4) concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists.

- (2) These Regulations shall apply to animals except—
- (a) animals living in the wild;
  - (b) animals whilst at, and animals solely intended for use in, competitions, shows, cultural or sporting events or activities;
  - (c) experimental or laboratory animals; or
  - (d) any invertebrate animals.
- (3) Part 1 of Schedule 6 shall have effect for the purpose of the interpretation of Schedule 6.
- (4) In these Regulations—
- (a) any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations;
  - (b) any reference to a numbered Schedule is a reference to the Schedule to these Regulations so numbered in these Regulations; and
  - (c) any reference in a regulation or a Schedule to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference occurs.

### **Duties on owners and keepers of animals**

3.—(1) Owners and keepers of animals must take all reasonable steps—

- (a) to ensure the welfare of the animals under their care; and
- (b) to ensure that the animals are not caused any unnecessary pain, suffering or injury.

(2) Owners and keepers of animals (other than fish, reptiles and amphibians) must ensure that the conditions under which the animals are bred or kept comply with the requirements set out in Schedule 1.

(3) In deciding whether the conditions under which animals are being bred and kept comply with the requirements set out in Schedule 1, the owner and keeper of the animals must have regard to their species, and to their degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with established experience and scientific knowledge.

### **Additional duties on owners and keepers of laying hens kept in battery cages**

4. Owners and keepers of laying hens kept in battery cages must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 2.

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(3) By virtue of section 8(4) “the Ministers” means, in relation to Scotland, the Secretary of State. The functions conferred on the Secretary of State under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(4) O.J. No. L 125, 23.5.96, p.3.

#### **Additional duties on owners and keepers of poultry other than laying hens kept in battery cages**

5. Owners and keepers of poultry other than laying hens kept in battery cages must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 3.

#### **Additional duties on owners and keepers of calves confined for rearing and fattening**

6. Owners and keepers of calves confined for rearing and fattening must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 4.

#### **Additional duties on owners and keepers of cattle**

7. Owners and keepers of cattle must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 5.

#### **Additional duties on owners and keepers of pigs**

8. Owners and keepers of pigs must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with—

- (a) the general additional requirements set out in Part II of Schedule 6; and
- (b) the specific additional requirements set out in Parts III, IV, V or VI (as the case may be) applicable to the particular category of pig being kept.

#### **Additional duties on owners and keepers of rabbits**

9. Owners and keepers of rabbits must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 7.

#### **Statutory welfare codes**

10.—(1) Any person who employs or engages a person to attend to animals must ensure that the person attending to the animals—

- (a) is acquainted with the provisions of all relevant statutory welfare codes relating to the animals being attended to;
- (b) has access to a copy of those codes while that person is attending to the animals; and
- (c) has received instruction and guidance on those codes.

(2) Any person who keeps animals, or who causes or knowingly permits animals to be kept, must not attend to them unless that person has access to all relevant statutory welfare codes relating to the animals while that person is attending to them, and is acquainted with the provisions of those codes.

#### **Powers of an authorised person**

11. Where an authorised person considers that animals are being kept in a way which is likely to cause unnecessary pain, suffering or injury, or in any other way in contravention of any provision of these Regulations, the authorised person may serve a notice on whoever appears to be in charge of the animals requiring the person appearing to be in charge within the period stated in the notice to take any action that the authorised person considers to be reasonably necessary to ensure compliance

with these Regulations and the authorised person shall give his reasons for requiring that action to be taken.

### **Powers of entry**

**12.** An authorised person exercising powers of entry under the Agriculture (Miscellaneous Provisions) Act 1968 for the purposes of these Regulations may take with him a representative of the European Commission acting for the purposes of—

- (a) Council Directive [88/166/EEC](#)(5) laying down minimum standards for the protection of laying hens kept in battery cages;
- (b) Council Directive [91/629/EEC](#)(6) laying down minimum standards for the protection of calves as amended by Council Directive [97/2/EC](#)(7) and Commission Decision [97/182/EC](#)(8);
- (c) Council Directive [91/630/EEC](#)(9) laying down minimum standards for the protection of pigs; or
- (d) Council Directive [98/58/EC](#)(10) concerning the protection of animals kept for farming purposes,

as well as any person he takes under powers provided under section 6(3) of that Act.

### **Offences**

**13.—(1)** A person who, without lawful authority or reasonable excuse—

- (a) contravenes or fails to comply with any provision of these Regulations;
- (b) fails to comply with a notice served under regulation 11 within the time specified in the notice;
- (c) makes any entry in a record, or gives any information for the purposes of these Regulations which that person knows to be false in any material particular or, for those purposes, recklessly makes a statement or gives any information which is false in any material particular; or
- (d) causes or permits any of the above,

is guilty of an offence under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968.

(2) In any proceedings against an owner or keeper of animals for a failure to comply with regulation 3(1) or 3(2) (as read with regulation 3(3)) the owner or keeper, as the case may be, may rely on compliance with any relevant recommendation contained in a statutory welfare code, as tending to establish compliance with the relevant regulation.

### **Revocations**

**14.** The Welfare of Livestock Regulations 1994(11) and the Welfare of Livestock (Amendment) Regulations 1998(12) are revoked.

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(5) O.J. No. L 74, 19.3.88, p.83.

(6) O.J. No. L 340, 11.12.91, p.28.

(7) O.J. No. L 25, 28.1.97, p.24.

(8) O.J. No. L 76, 18.3.97, p.30.

(9) O.J. No. L 340, 11.12.91, p.33.

(10) O.J. No. L 221, 8.8.98, p.23.

(11) S.I. [1994/2126](#) amended by S.I. [1998/1709](#).

(12) S.I. [1998/1709](#).

St Andrew's House, Edinburgh  
14th December 2000

*ROSS FINNIE*  
A member of the Scottish Executive