WELSH STATUTORY INSTRUMENTS

2010 No. 2713 (W.229)

ANIMALS, WALES

ANIMAL WELFARE

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010

Made - - - - 9 November 2010

Coming into force in accordance with regulation 1

The Welsh Ministers are the appropriate national authority in relation to Wales for the purposes of the Animal Welfare Act 2006(**1**) and are designated for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union(**3**).

The Welsh Ministers have consulted the persons referred to in section 12(6) of the Animal Welfare Act 2006.

In accordance with section 61(2) of that Act, a draft of these Regulations has been laid before and approved by a resolution of the National Assembly for Wales.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 12(1), (2) and (3) of the Animal Welfare Act 2006 and section 2(2) of the European Communities Act 1972.

Title and commencement

1. The title of these Regulations is the Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010; they come into force on the day after the day on which they are made.

Amendment of the Welfare of Farmed Animals (Wales) Regulations 2007

2. The Welfare of Farmed Animals (Wales) Regulations 2007(**4**) are amended in accordance with regulations 3 to 8.

Amendment of regulation 2 (definitions and interpretation)

3.—(1) In regulation 2(1)—

(**1**) 2006 c. 45.
(**2**) 1972 c. 68.
(**3**) S.I. 2005/2766. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.
(**4**) S.I. 2007/3070 (W.264).

(a) after the definition of "calf", insert—

""conventionally reared meat chicken" ("*iâr fwyta a fegir yn gonfensiynol*") means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

(a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;

(b) that is on a hatchery;

(c) in relation to which the term "Extensive indoor (barn-reared)" ("*Megir yn helaeth dan do (mewn cytiau*)"), "Free range" ("*Iâr fuarth*"), "Traditional free range" ("*Iâr fuarth-dull traddodiadol*") or "Free range – total freedom" ("Iâr fuarth– dull hollol rydd") can be used within the meaning of point (b), (c), (d) or (e) of Annex V to Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat(**5**); or

(d) that is organically reared in accordance with Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91(**6**);

"food business operator" ("*gweithredydd busnes bwyd*") has the meaning given by Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**7**);";

(b) in the definition of "litter" ("*llaesodr*") after the words "laying hens" insert "and conventionally reared meat chickens" and replace the words "enabling the hens" with the words "enabling those birds";

(c) after the definition of "pig" ("*mochyn*") insert–

""stocking density" ("*dwysedd stocio*") means, in relation to any house in which conventionally reared meat chickens are kept, the total live weight of chickens which are present in the house at the same time per m^2 of usable area;"; and

(d) in the definition of "usable area" ("*lle y gellir ei ddefnyddio*")—

(i) after "means", insert ", in relation to laying hens,",

(ii) at the end, insert ", or, in relation to conventionally reared meat chickens, a littered area accessible to the chickens at any time".

(2) In regulation 2(2) after sub-paragraph (a), insert–

"(aa) in relation to conventionally reared meat chickens, Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production(**8**).".

Amendment of regulation 5 (additional duties on persons responsible for poultry, laying hens, calves, cattle, pigs or rabbits)

4.—(1) In regulation 5(1)(a), after "Schedules 2 to 4", insert "and conventionally reared meat chickens".

(2) In regulation 5(1), after sub-paragraph (b) insert–

(**5**) OJ No L 157, 17.6.08, p.46, to which there are amendments and corrections not relevant to these Regulations.
(**6**) OJ No L 189, 20.7.07, p.1, as amended by Council Regulation (EC) No 967/2008 (OJ No L 264, 3.10.08, p.1).
(**7**) OJ No L 31, 1.2.02, p.1, as last amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.09, p.14).
(**8**) OJ No L 182, 12.7.07, p.19.

"(ba) conventionally reared meat chickens must comply with Part 2 of Schedule 5A;".

(3) After regulation 5(3), insert—

"(4) Part 1 of Schedule 5A has effect.".

Insertion of regulation 5A

5. After regulation 5 insert—

"**Monitoring and follow-up at the slaughterhouse**

5A. Part 3 of Schedule 5A has effect.".

Amendment of regulation 7 (offences)

6.—(1) In regulation 7 renumber the existing provision as paragraph (1).

(2) After paragraph (1) (as so renumbered) add–

"(2) A food business operator who, without lawful authority or excuse, fails to comply with a duty in paragraph 14(2) of Schedule 5A, commits an offence.".

Amendment of Schedule 1 (general conditions under which farmed animals must be kept)

7. In Schedule 1—

(a) in paragraph 2(3) after paragraph (a) insert–

"(aa) in the case of conventionally reared meat chickens, paragraph 11(1) and (2) of Schedule 5A;";

(b) in paragraph 5, before "Any animals" insert "Without prejudice to paragraph 11(3) of Schedule 5A";

(c) in paragraph 7—

(i) in sub-paragraph (b)(ii), omit "or" the second time it occurs;

(ii) in sub-paragraph (b)(iii), omit "or";

(iii) after sub-paragraph (b)(iii), insert—

"(iiia) in the case of conventionally reared meat chickens, paragraph 11(1) and (2) of Schedule 5A; or".

Insertion of Schedule 5A (additional conditions that apply in relation to conventionally reared meat chickens)

8. After Schedule 5 to the Welfare of Farmed Animals (Wales) Regulations 2007, insert the Schedule set out in the Schedule to these Regulations.

Elin Jones
Minister for Rural Affairs, one of the Welsh Ministers

9 November 2010

SCHEDULE Regulation 8

Insertion of Schedule 5A to the Welfare of Farmed Animals (Wales) Regulations 2007

After Schedule 5, insert—

"SCHEDULE 5A Regulations 5 and 5A

Additional conditions that apply in relation to conventionally reared meat chickens

PART 1

Interpretation

Interpretation

1. In this Schedule—

"chicken" ("*iâr*") means a conventionally reared meat chicken;

"keeper" ("*ceidwad*") means any person responsible for or in charge of chickens in terms of contract or by law whether on a permanent or temporary basis;

"official veterinarian" ("*milfeddyg swyddogol*") has the same meaning as it has in Regulation 854/2004;

"Regulation 853/2004" ("*Rheoliad 853/2004*") means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**9**);

"Regulation 854/2004" ("*Rheoliad 854/2004*") means Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**10**).

PART 2

General additional conditions

Training

2.—(1) A keeper must hold a certificate recognised by the Welsh Ministers for the purposes of Article 4(3) or (4) of Council Directive 2007/43/EC (**11**) (certificates of completion of training courses or equivalent experience).

(2) The Welsh Ministers must publish from time to time, in such a way as the Welsh Ministers consider appropriate, a list of certificates recognised by the Welsh Ministers for the purposes of sub-paragraph (1).

(**9**) OJ No L 139, 30.4.04, p.55 (corrected version), as last amended by Commission Regulation (EU) No 558/2010 (OJ No L 159, 25.6.10, p 18).
(**10**) OJ No L 139, 30.4.04, p.206 (corrected version) , as last amended by Commission Regulation (EU) No 505/2010 (OJ No L 149, 15.6.10, p.1).
(**11**) OJ No L182, 12.7.07, p.19.