WELSH STATUTORY INSTRUMENTS

2010 No. 2712 (W.228)

ANIMALS, WALES

ANIMAL WELFARE

The Mutilations (Permitted Procedures) (Wales) (Amendment) Regulations 2010

Made - - - - 9 November 2010

Coming into force in accordance with regulation 1(2)

The Welsh Ministers are the appropriate national authority for the purpose of exercising the powers conferred by section 5(4) of the Animal Welfare Act 2006(**1**) in relation to Wales, and make the following Regulations in exercise of those powers.

The Welsh Ministers have consulted the persons referred to in section 5(5) of that Act.

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

Title, commencement and application

1.—(1) The title of these Regulations is The Mutilations (Permitted Procedures) (Wales) (Amendment) Regulations 2010.

(2) They come into force on the day after the day on which they are made.

(3) They apply in relation to Wales.

Amendments to the Mutilations (Permitted Procedures) (Wales) Regulations 2007

2.—(1) The Mutilations (Permitted Procedures) (Wales) Regulations 2007(**3**) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of "cattle", 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—

(**1**) 2006 c. 45. By virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006, the functions of the National Assembly for Wales were transferred to and now vest in the Welsh Ministers. The appropriate national authority is defined in section 62(1) of the Act.

(**2**) 2006 c. 45. By virtue of section 162 of, and paragraph 34 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the reference in section 61(2) to "House of Parliament" includes the National Assembly for Wales.

(**3**) S.I. 2007/1029 (W.96), amended by S.I. 2008/3094 (W.273).

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

(b) in relation to which the term "Extensive indoor (barn reared)", "Free range", "Traditional free range" or "Free range – total freedom" 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 Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymea(**4**));

(c) 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(**5**);".

(3) In Schedule 4 (Birds: Requirements When Carrying Out Certain Permitted Procedures)—

(a) for paragraph A1 (all procedures in the section on birds in Schedule 1), substitute—

"**All procedures in the section on birds in Schedule 1**

A1. None of the procedures listed in the section on birds in Schedule 1, apart from beak trimming (*see* paragraph 5), may be performed on—

(1) conventionally reared meat chickens; or

(2) a laying hen, or a chick that is intended to become a laying hen, which is kept on an establishment with 350 or more such birds."

(b) for paragraph 5 (beak trimming of poultry), substitute—

"**5.** Beak trimming of poultry

(1) For all poultry, the beak trimming procedure must be performed using a suitable instrument.

(2) For all poultry, any subsequent haemorrhage from the beak must be arrested by cauterisation.

(3) For all poultry the procedure must be performed on—

(a) both the upper and lower beaks, with not more than one third of each removed, or

(b) the upper beak only, with not more than one third removed.

(4) For laying hens and chicks that are intended to become laying hens, which are kept on establishments with 350 or more such birds, beak trimming—

(a) may only be performed in order to prevent feather pecking or cannibalism;

(b) may only be carried out using infra-red technology;

(c) may not be performed on birds which are aged 10 days or over; and

(d) must be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure.

(5) Sub-paragraphs (4)(b) and (c) do not apply where the procedure is carried out in an emergency in order to control an outbreak of feather pecking or cannibalism.

(6) For conventionally reared meat chickens the procedure—

(a) may only be performed in order to prevent feather pecking and cannibalism;

(**4**) OJ No L 157, 17.6.08, p.46, to which there is a correction not relevant to these Regulations.
(**5**) 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).