STATUTORY INSTRUMENTS

2015 No. 1782

ANIMALS, ENGLAND

PREVENTION OF CRUELTY

The Welfare of Animals at the Time of Killing (England) Regulations 2015

Made - - - -	*12th October 2015*
Laid before Parliament	*15th October 2015*
Coming into force - -	*5th November 2015*

The Secretary of State is designated(**1**) 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 and makes these Regulations in exercise of those powers vested in her(**3**), and the powers conferred by paragraph 1A of Schedule 2 to that Act(**4**), and with the consent of the Treasury under section 56(1) of the Finance Act 1973(**5**).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Secretary of State that it is expedient for the references in these Regulations to the Annexes to Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing(**6**) to be construed as references to those Annexes as amended from time to time.

(**1**) S.I. 1972/1811.
(**2**) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51), and the European Union (Amendment) Act 2008 (c.7), Part 1 of the Schedule.
(**3**) The function of the former Minister of Agriculture of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c.32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales. Under section 57 of the Scotland Act 1998 (c.46), despite the transfer to the Scottish Ministers of functions in relation to implementing obligations under EU law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable as regards Scotland.
(**4**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51), and amended by the European Union (Amendment) Act 2008 (c.7), Part 1 of the Schedule.
(**5**) 1973 c.51; section 56(1) was amended by S.I. 2011/1043.
(**6**) OJ No. L303, 18.11.2009, p1.

PART 1

General

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Welfare of Animals at the Time of Killing (England) Regulations 2015.

(2) Subject to paragraph (3), these Regulations extend to England and Wales but apply in England only.

(3) Any amendment, repeal or revocation made by Schedule 6 has the same extent and application as the enactment amended, repealed or revoked.

(4) These Regulations come into force on 5th November 2015.

Expiry

2.—(1) The following provisions cease to have effect on 8th December 2015—

(a) regulation 44; and

(b) Schedule 7.

(2) The following provisions cease to have effect on 8th December 2019—

(a) regulation 30(1)(h);

(b) regulation 45; and

(c) Schedule 8.

Interpretation

3.—(1) In these Regulations—

"the 1967 Act" means the Slaughter of Poultry Act 1967(**7**);

"the 1974 Act" means the Slaughterhouses Act 1974(**8**);

"the 1995 Regulations" means the Welfare of Animals (Slaughter or Killing) Regulations 1995(**9**);

"authorised veterinary surgeon" means a veterinary surgeon authorised by the Secretary of State for the purpose of carrying out assessments in accordance with regulation 16(c);

"certificate" (except in the term "temporary certificate" or in regulation 41) means a certificate of competence as mentioned in Article 21 and includes a qualification recognised by the competent authority as equivalent to a certificate in accordance with Article 21(7);

"competent authority" has the meaning given in regulation 4;

"EU Regulation" means Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing(**10**);

"evidence of training and examination" means—

(**7**) 1967 c.24.
(**8**) 1974 c.3.
(**9**) S.I. 1995/731; relevant amending instruments, in relation to England, are S.I. 1999/400, 2000/656 and 3352, 2001/447, 2001/3830, 2003/3272, 2006/1200, 2007/402 and 2012/501. The instrument was revoked in relation to Wales by S.I. 2014/951 (W.92).
(**10**) OJ No. L303, 18.11.2009, p1.

(a) a certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation(**11**) which oversees the training and assessment of persons carrying out the killing of animals and related operations, confirming the passing of an independent examination as provided for in Article 21,

(aa) **[**[F1]a document attesting the passing of an independent final examination issued by

(i) a body designated by the Republic of Ireland as responsible for delivering certificates in accordance with Article 21(1) of the EU Regulation as it has effect in EU law as amended from time to time, or

(ii) a body to whom the function of the final examination or the issuing of certificates has been delegated in the Republic of Ireland in accordance with Article 21(2) of the EU Regulation as it has effect in EU law as amended from time to time,

(ab) a certificate issued in the Republic of Ireland in reliance on Article 29(2) of the EU Regulation as it has effect in EU law,**]**

(b) a licence granted by the Rabbinical Commission for the purpose of killing animals in accordance with the Jewish method (Shechita) and confirming the passing of an independent examination as provided for in Article 21, or

(c) a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS")(**12**), together with a RCVS continuing professional development record;

"horse" includes a hinny, ass or mule;

"inspector" means a person appointed under regulation 34 or an inspector appointed under section 51 of the Animal Welfare Act 2006(**13**);

"knacker's yard" means a premises used principally for the storage of animal carcases, but also for the commercial killing of animals for purposes other than human consumption, including any associated facilities for handling and lairaging such animals;

"licence" means a licence as required by regulation 12;

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

"Rabbinical Commission" means the body referred to in Part 4 of Schedule 3 responsible for licensing persons carrying out the killing of animals in accordance with the Jewish method (Shechita);

"restraining pen" means a pen or compartment which is suitable for restraining an adult bovine animal in an upright position for the purpose of killing in accordance with religious rites (as defined in paragraph 1(c) of Schedule 3) and which is constructed and approved in accordance with paragraph 3 of Schedule 3;

"simple stunning" has the same meaning as in Article 4(1) and "simple stunned" is to be construed accordingly;

"stunning pen" means a pen or compartment which is suitable for restraining an adult bovine animal for the purpose of stunning and which is constructed in accordance with paragraph 8 of Schedule 1 or paragraph 9 of Schedule 2;

(**11**) Established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) and responsible for regulating qualifications, exams and tests in England.
(**12**) The RCVS was established by Royal Charter in 1844 and is responsible for the registration of veterinary surgeons and the regulation of their education, ethical and clinical standards.
(**13**) 2006 c.45.

"temporary certificate" means a temporary certificate of competence as mentioned in Article 21(5);

"veterinary surgeon" means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966(**14**);

"WASK licence" means a registered licence required by or granted in accordance with Schedule 1 to the 1995 Regulations.

(2) Terms and expressions used in these Regulations that are also used in the EU Regulation have the same meaning in these Regulations as they have in the EU Regulation, unless specified otherwise.

(3) In these Regulations, a reference to an Article, a Chapter or an Annex is a reference to that Article or Chapter of, or that Annex to, the EU Regulation.

(4) Any reference to an Annex to the EU Regulation is a reference to that Annex as amended from time to time.

F1 Words in reg. 3(1) inserted (31.12.2020) by The Welfare of Animals at the Time of Killing (England and Northern Ireland) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1308), regs. 1, **3**; 2020 c. 1, Sch. 5 para. 1(1)

The competent authority

4.—(1) The Food Standards Agency is the competent authority for the purposes of—

(a) Part 2 (certificates, temporary certificates and licences), unless specified otherwise;

(b) approving restraining pens in accordance with paragraph 3 of Schedule 3; and

(c) in relation to the killing of animals in a slaughterhouse—

(i) receiving and assessing documents, records or information in accordance with Articles 6(4), 9(1), 14(2) and 17(5);

(ii) receiving and assessing other documents, records or information in accordance with the EU Regulation or these Regulations; and

(iii) taking action in the event of any non-compliance with the EU Regulation or these Regulations in accordance with **[**F2Article 138 (actions in the event of established non-compliance) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products**]**.

(2) Otherwise, the Secretary of State is the competent authority[F3]... for the purposes of the EU Regulation and these Regulations.

(3) The Secretary of State may act as the competent authority in relation to—

(a) the suspension or revocation of certificates, temporary certificates or licences under Part 2; and

(b) the appointment of inspectors in accordance with regulation 34.

F2 Words in reg. 4(1)(c)(iii) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **28(2)**

(**14**) 1966 c.36; section 2 was amended by S.I. 2003/2919 and 2008/1824.

F3 Words in reg. 4(2) omitted (31.12.2020) by virtue of The Animal Health and Welfare (Miscellaneous Amendments) (England) (EU Exit) Regulations 2018 (S.I. 2018/1033), regs. 1(1), **5(2)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 2

Certificates, temporary certificates and licences

CHAPTER 1

Certificates and temporary certificates

Requirement for a certificate or temporary certificate

5.—(1) Subject to regulations 23(2) and 44, no person may carry out an operation specified in regulation 6 except under and to the extent authorised by a certificate registered with the competent authority or a temporary certificate.

(2) No person may carry out an operation specified in regulation 6 under a temporary certificate unless that person works in the presence, and under the direct supervision, of a person who holds a certificate registered with the competent authority in relation to that operation.

Operations which require a certificate or temporary certificate

6. The operations referred to in regulation 5 are—

(a) any of the following operations carried out in a slaughterhouse—

(i) an operation specified in any of sub-paragraphs (a) to (g) of Article 7(2); and

(ii) the pithing of a stunned animal and assessment of effective pithing; and

(b) supervising the killing of fur animals in accordance with Article 7(3).

Certificates

7. The competent authority must grant and register a certificate if—

(a) the applicant meets the conditions in regulation 8; and

(b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate.

Conditions for a certificate

8. The applicant must—

(a) not be less than 18 years old, unless the certificate is required for the following operations—

(i) the handling and care of animals before they are restrained; or

(ii) the shackling or hoisting of live poultry before stunning;

(b) subject to regulation 44, submit evidence of training and examination in respect of the operation, category of animal and (where appropriate) type of equipment for which a certificate is sought;

(c) submit a written declaration in accordance with Article 21(6);

(d) provide written details if the applicant—