WELSH STATUTORY INSTRUMENTS

2007 No. 3070 (W.264)

ANIMALS, WALES

ANIMAL WELFARE

The Welfare of Farmed Animals (Wales) Regulations 2007

Made - - - -	*23 October 2007*
Laid before the National Assembly for Wales - -	*27 September 2007*
Coming into force - -	*24 October 2007*

The Welsh Ministers are, in relation to Wales, the appropriate national authority for the purposes of exercising the powers conferred by section 12(1), (2) and (3) of the Animal Welfare Act 2006(**1**), and make the following Regulations in exercise of those powers.

In accordance with section 12(6) of that Act, the Welsh Ministers have consulted such persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

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

Title, application and commencement

1. The title of these Regulations is the Welfare of Farmed Animals (Wales) Regulations 2007. They apply in relation to Wales and come into force on 24 October 2007.

Definitions and interpretation

2.—(1) In these Regulations—

"calf" ("*llo*") means a bovine animal up to six months old;

"keeper" ("*ceidwad*") means any person responsible for or in charge of animals whether on a permanent or temporary basis;

"laying hen" ("*iâr ddodwy*") means a hen of the species Gallus gallus which has reached laying maturity and is kept for the production of eggs not intended for hatching;

"litter" ("*llaesodr*") means, in relation to laying hens, any friable material enabling the hens to satisfy their ethological needs;

(**1**) 2006 c. 45. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

"nest" ("*nyth*") means a separate space for egg laying, the floor component of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens;

"person responsible" ("*person sy'n gyfrifol*") for an animal has the same meaning as in section 3 of the Animal Welfare Act 2006;

"pig" ("*mochyn*") means an animal of the porcine species of any age, kept for breeding or fattening;

"usable area" ("*lle y gellir ei ddefnyddio*") means an area, other than that taken up by a nest, used by laying hens which is at least 30cm wide with a floor slope not exceeding 14% and with headroom of at least 45cm.

(2) Expressions used in these Regulations that are not defined in these Regulations and are used in the following Directives, have the meaning they bear in those Directives—

(a) in relation to pigs, Directive 91/630/EEC(**2**), 2001/88/EC(**3**) and 2001/93/EC(**4**);

(b) in relation to laying hens, Directive 99/74/EC(**5**); and

(c) in relation to calves, Directive 91/629/EEC(**6**), 97/2/EC(**7**) and 97/182/EC(**8**).

(3) An expression used in regulation 4 or Schedule 1, which is not defined in these Regulations and which appears in Directive 98/58/EC(**9**), has the same meaning as it has for the purposes of that Directive.

Animals to which these Regulations apply

3.—(1) These Regulations apply to farmed animals only.

(2) In these Regulations, a "farmed animal" ("*anifail a ffermir*") means an animal bred or kept for the production of food, wool or skin or other farming purposes, but not including—

(a) a fish, reptile or amphibian;

(b) an animal whilst at, or solely intended for use in, a competition, show or cultural or sporting event or activity;

(c) an experimental or laboratory animal; or

(d) an animal living in the wild.

Duties on persons responsible for farmed animals

4.—(1) A person responsible for a farmed animal must take all reasonable steps to ensure that the conditions under which it is bred or kept comply with Schedule 1.

(2) In complying with the duty in paragraph (1), a person responsible for a farmed animal must have regard to its—

(a) species;

(b) degree of development;

(c) adaptation and domestication; and

(**2**) OJ No L340, 11.12.91, p 33
(**3**) OJ No L316, 1.12.2001, p 1
(**4**) OJ No L316, 1.12.2001, p 36
(**5**) OJ No L203, 3.8.99, p 53
(**6**) OJ No L340, 11.12.91, p 28
(**7**) OJ No L25, 28.1.97, p 24
(**8**) OJ No L76, 18.3.97, p 30
(**9**) OJ No L221, 8.8.98, p 23

(d) physiological and ethological needs in accordance with good practice and scientific knowledge.

Additional duties on persons responsible for poultry, laying hens, calves, cattle, pigs or rabbits

5.—(1) A person responsible for—

(a) poultry (other than those kept in the systems referred to in Schedules 2 to 4) kept in a building must ensure they are kept on, or have access at all times to, well-maintained litter or a well-drained area for resting;

(b) laying hens kept in establishments with 350 or more laying hens must comply with Schedules 2, 3, 4 and 5, as applicable;

(c) calves confined for rearing and fattening must comply with Schedule 6;

(d) cattle must comply with Schedule 7;

(e) pigs must, subject to paragraph (2), comply with Part 2 of Schedule 8 and, where applicable, the requirements of Parts 3, 4, 5 and 6 of Schedule 8; or

(f) rabbits must comply with Schedule 9.

(2) Paragraphs 12, 28, 29 and 30 of Schedule 8 apply to all holdings newly built, rebuilt or brought into use for the first time on or after 1st January 2003, but in the case of all other holdings, those paragraphs do not apply until 1st January 2013.

(3) Part 1 of Schedule 8 has effect.

Codes of Practice

6.—(1) A person responsible for a farmed animal—

(a) must not attend to the animal unless he or she is acquainted with any relevant code of practice and has access to the code while attending to the animal; and

(b) must take all reasonable steps to ensure that a person employed or engaged by him or her does not attend to the animal unless that other person—

(i) is acquainted with any relevant code of practice;

(ii) has access to the code while attending to the animal; and

(iii) has received instruction and guidance on the code.

(2) In this section, a "relevant code of practice" ("*cod ymarfer perthnasol*")means a code of practice issued under section 14 of the Animal Welfare Act 2006 or a statutory welfare code issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(**10**) relating to the particular species of farmed animal to which a person is attending.

Offences

7. A person commits an offence if, without lawful authority or excuse, he or she—

(a) contravenes, or does not comply with a duty in, regulation 4, 5 or 6;

(b) makes an entry in a record, or gives any information for the purposes of these Regulations which he or she 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

(c) causes or permits any of the above.

(**10**) 1968 c. 34.

Prosecutions

8.—(1) A local authority may prosecute proceedings for an offence under these Regulations.

(2) The Welsh Ministers may direct that they, and not the local authority, prosecutes proceedings for an offence under these Regulations in relation to cases of a particular description or any particular case.

Penalties

9.—(1) A person guilty of an offence under regulation 7 is liable on summary conviction to—

(a) imprisonment for a term not exceeding 51 weeks;

(b) a fine not exceeding level 4 on the standard scale; or

(c) both the term of imprisonment referred to sub-paragraph (a) and the fine referred to in sub-paragraph (b).

(2) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003(**11**), the reference in paragraph (1)(a) to 51 weeks must be taken as a reference to 6 months.

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

23 October 2007

(**11**) 2003 c. 44.

SCHEDULE 1

Regulation 4

General conditions under which farmed animals must be kept

Staffing

1. Animals must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence.

Inspection

2.—(1) Subject to sub-paragraph (3), animals kept in husbandry systems in which their welfare depends on frequent human attention must be thoroughly inspected at least once a day to check that they are in a state of well-being.

(2) Subject to sub-paragraph (3), animals kept in husbandry systems in which their welfare does not depend on frequent human attention must be inspected at intervals sufficient to avoid any suffering.

(3) In the following cases it is sufficient for the purposes of this paragraph to comply with the following provisions—

(a) in the case of laying hens, paragraph 1 of Schedule 5;

(b) in the case of calves, paragraph 2 or 3 of Schedule 6; and

(c) in the case of pigs, paragraph 2 of Schedule 8.

3. Where animals are kept in a building, adequate lighting (whether fixed or portable) must be available to enable them to be thoroughly inspected at any time.

4. Where any animals (other than poultry) are kept in a building they must be kept on, or have access at all times to, a lying area which either has well-maintained dry bedding or is well-drained.

5. Any animals which appear to be ill or injured must be cared for appropriately and without delay; where they do not respond to such care, veterinary advice must be obtained as soon as possible.

6. Where necessary, sick or injured animals must be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

Record keeping

7. A record must be maintained of—

(a) any medicinal treatment given to animals; and

(b) the number of mortalities found on each inspection of animals carried out in accordance with any of the following provisions—

(i) in the case of laying hens, paragraph 1 of Schedule 5;

(ii) in the case of calves, paragraph 2 or 3 of Schedule 6; or

(iii) in the case of pigs, paragraph 2 of Schedule 8; or

(iv) in any other case, paragraph 2(1) or (2) of this Schedule.

8. The record referred to in paragraph 7 must be retained for a period of at least three years from the date on which the medicinal treatment was given, or the date of the inspection, and must be made available to an inspector on request.