WELSH STATUTORY INSTRUMENTS

2002 No. 1898 (W.199)

ANIMALS, WALES

PREVENTION OF CRUELTY

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002

Made - - - -	*18th July 2002*
Coming into force - -	*6th August 2002*

The National Assembly for Wales, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 and now vested in it(**1**), and after consultation in accordance with section 2 of the 1968 Act, makes the following Regulations:

Title, application and commencement

1.—(1) These Regulations shall be cited as the Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002 and apply to Wales only.

(2) Subject to paragraph (3) of this regulation, these Regulations shall come into force on 6th August 2002.

(3) Regulation 2(3) of these Regulations shall come into force on 1st January 2003.

Amendment to the Welfare of Farmed Animals (Wales) Regulations 2001

2.—(1) The Welfare of Farmed Animals (Wales) Regulations 2001 (**2**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)—

(a) for the definition of "laying hen" the following definition shall be substituted—

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

(b) after the definition of "laying hen" the following definitions shall be inserted—

(**1**) 1968 c. 34. See section 50 for a definition of "the Ministers". In relation to Wales, the powers of "the Ministers" were transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(**2**) S.I. 2001/2682 (W. 223).

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

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

(c) after the definition of "statutory welfare code", the following definition shall be inserted—

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

(3) Regulation 4 and Schedule 2 shall be revoked.

(4) For regulation 5 there shall be substituted the following regulation:

"**Additional duties on owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C)**

5. Owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 3.".

(5) After regulation 5 the following regulation shall be added:

"**Additional duties on owners and keepers of laying hens**

5A. Owners and keepers of establishments with more than 350 laying hens shall ensure that in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedules 3A, 3B, 3C and 3D.".

(6) In Schedule 1—

(a) for paragraph 2(3)(a) there shall be substituted the following paragraph—

"(a) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;"; and

(b) for paragraph 7(b)(i) there shall be substituted the following paragraph—

"(i) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;".

(7) For Schedule 3 there shall be substituted the following provisions:

"**SCHEDULE 3** **regulation 5**

ADDITIONAL CONDITIONS UNDER WHICH POULTRY (OTHER THAN THOSE KEPT IN THE SYSTEMS REFERRED TO IN SCHEDULES 3A, 3B AND 3C) MUST BE KEPT

Where any poultry (other than those kept in the systems referred to in Schedules 3A, 3B, and 3C) are kept in a building they shall be kept on, or have access at all times to, well-maintained litter or to a well-drained area for resting.".

(8) After Schedule 3 there shall be inserted the Schedules 3A, 3B, 3C and 3D set out in the Schedule to these Regulations.

(9) For paragraph (a) of regulation 12 there shall be substituted the following paragraph—

"(a) Council Directive 99/74/EC(**3**) laying down minimum standards for the protection of laying hens.".

Signed on behalf of the National Assembly for Wales

John Marek
Deputy Presiding Officer of the National Assembly

18th July 2002

(**3**) OJNo. L 203, 3.8.99, p.53.

SCHEDULE

Regulation 2(8)

"SCHEDULE 3A

regulation 5 A

NON-CAGE SYSTEMS

1. All newly built or rebuilt non-cage systems of production for keeping laying hens and all such systems of production brought into use for the first time shall comply with the requirements of this Schedule.

2. From 1st January 2007, all non-cage systems of production for keeping laying hens shall comply with the requirements of this Schedule.

3. All systems must be equipped in such a way that all laying hens have:

(a) either linear feeders providing at least 10 cm per hen or circular feeders providing at least 4 cm per hen;

(b) either continuous drinking troughs providing 2.5 cm per hen or circular drinking troughs providing 1 cm per hen, and, in addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least two cups or two nipple drinkers shall be within reach of each hen;

(c) at least one nest for every seven hens. If group nests are used, there must be at least 1 m2 of nest space for a maximum of 120 hens;

(d) perches, without sharp edges and providing at least 15 cm per hen. Perches must not be mounted above the litter and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm; and

(e) at least 250 cm2 of littered area per hen, the litter occupying at least one third of the ground surface.

4. The floors of installations must be constructed so as to support each of the forward-facing claws of each hen's foot.

5. In addition to the requirements of paragraphs 2 and 3—

(a) If systems of rearing are used where the laying hens can move freely between different levels—

(i) there shall be no more than four levels;

(ii) the headroom between the levels must be at least 45 cm;

(iii) the drinking and feeding facilities must be distributed in such a way as to provide equal access for all hens; and

(iv) the levels must be so arranged as to prevent droppings falling on the levels below.

(b) if laying hens have access to open runs:

(i) there must be several popholes giving direct access to the outer area, at least 35 cm high and 40 cm wide and extending along the entire length of the building; and in any case, a total opening of 2 m must be available per group of 1,000 hens; and

(ii) open runs must be of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination and equipped with shelter from inclement weather and predators and, if necessary, appropriate drinking troughs.

6. Subject to paragraph 7, the stocking density must not exceed nine laying hens per square metre of usable area.

7. Where on 3 August 1999 the establishment applied a system where the usable area corresponded to the available ground surface, and the establishment is still applying this system