Draft Regulations laid before Parliament under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2003 No.

ANIMALS, ENGLAND
PREVENTION OF CRUELTY, ENGLAND

The Welfare of Farmed Animals (England) (Amendment) Regulations 2003

Made - - - -	*2003*
Coming into force - -	*2003*

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968(**1**) and vested in her and after consultation (in accordance with section 2 of the said 1968 Act) with such persons appearing to her to represent any interests concerned as she has considered appropriate, hereby makes the following Regulations, a draft of which has been approved by resolution of each House of Parliament:

Title and commencement

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (England) (Amendment) Regulations 2003.

(2) These Regulations shall come into force on the day after the day on which they are made.

Transitional Provisions

2.—(1) The provisions of paragraph 29(2) of Schedule 6 to the Welfare of Farmed Animals (England) Regulations 2000(**2**) as amended by these Regulations shall apply to 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 these provisions shall not apply until 1st January 2005.

(2) The provisions of paragraphs 13, 37, 38 and 39 of Schedule 6 to those Regulations shall apply in relation to all holdings newly built, rebuilt or brought into force for the first time on or

(**1**) 1968 c. 34. Functions conferred under the 1968 Act on "the Ministers" were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I.1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, S.I. 2002/794.

(**2**) S.I. 2000/1870.

after 1st January 2003, but in the case of all other holdings these provisions do not apply until 1st January 2013.

Amendments to the Welfare of Farmed Animals (England) Regulations 2000

3.—(1) The Welfare of Farmed Animals (England) Regulations 2000 shall be amended in accordance with this regulation.

(2) In regulation 2 the following shall be inserted after paragraph (4):

"(5) Expressions which are not defined in paragraph (1) above and which appear in Council Directives 91/630/EEC(**3**) and 2001/88/EC(**4**) and Commission Directive 2001/93/EC(**5**) have the same meaning in these Regulations as they have for the purposes of that Community legislation.".

(3) After regulation 8 the following shall be inserted:

"**Training**

8A. Any person who employs or engages persons to attend to pigs must ensure that that person has received instructions and guidance on the relevant provisions of these Regulations.".

(4) For Schedule 6 there shall be substituted the following Schedule:

(**3**) OJ No. L 340, 11.12.1991, p. 33.
(**4**) OJ No. L 316 1.12.2001 p. 1.
(**5**) OJ No. L 316 1.12.2001 p. 36.

"SCHEDULE 6 Regulations 2(3) and 8

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF PIGS

PART I

INTERPRETATION

1. In this Schedule—

"boar" means a male pig after puberty, intended for breeding;

"gilt" means a female pig intended for breeding after puberty and before farrowing;

"piglet" means a pig from birth to weaning;

"rearing pig" means a pig from ten weeks to slaughter or service;

"sow" means a female pig after the first farrowing; and

"weaner" means a pig from weaning to the age of ten weeks.

PART II

GENERAL ADDITIONAL CONDITIONS

Inspection

2. All pigs shall be inspected by the owner or keeper of the pigs at least once a day to check that they are in a state of well being.

3. Where necessary, sick or injured pigs shall be temporarily isolated in suitable accommodation with dry comfortable bedding.

Tethering

4. No person shall tether or cause to be tethered any pig except while it is undergoing any examination, test, treatment or operation carried out for any veterinary purpose.

5.—(1) Where the use of tethers is permitted in accordance with paragraph 4, they shall not cause injury to the pigs and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(2) Each tether shall be of sufficient length to allow the pigs to move as stipulated in paragraph 6(2) below and the design shall be such as to avoid, as far as possible, any risk of strangulation, pain or injury.

Accommodation

6.—(1) A pig shall be free to turn round without difficulty at all times.

(2) The accommodation used for pigs shall be constructed in such a way as to allow each pig to—

(a) stand up, lie down and rest without difficulty;

(b) have a clean, comfortable and adequately drained place in which it can rest;

(c) see other pigs, unless the pig is isolated for veterinary reasons;

(d) maintain a comfortable temperature; and

(e) have enough space to allow all the animals to lie down at the same time.

7.—(1) The dimension of any stall or pen used for holding individual pigs in accordance with these regulations shall be such that the internal area is not less than the square of the length of the pig, and no internal side is less than 75% of the length of the pig, the length of the pig in each case being measured from the tip of its snout to the base of its tail while it is standing with its back straight.

(2) Paragraph 7(1) shall not apply to a female pig for the period between seven days before the predicted day of her farrowing and the day on which the weaning of her piglets (including any piglets fostered by her) is complete.

(3) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig in a stall or pen—

(a) while it is undergoing any examination, test, treatment or operation carried out for veterinary purposes;

(b) for the purposes of service, artificial insemination or collection of semen;

(c) while it is fed on any particular occasion;

(d) for the purposes of marking, washing or weighing it;

(e) while its accommodation is being cleaned; or

(f) while it is awaiting loading for transportation,

provided that the period during which it is so kept is not longer than necessary for that purpose.

(4) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig in a stall or pen which the pig can enter or leave at will, provided that the stall or pen is entered from a stall or pen in which the pig is kept without contravention of this paragraph.

Artificially lit buildings

8. Where pigs are kept in an artificially lit building then lighting with an intensity of at least 40 lux shall be provided for a minimum period of 8 hours per day subject to paragraph 16 of Schedule 1 to these Regulations.

Prevention of fighting

9.—(1) If pigs are kept together, measures shall be taken to prevent fighting which goes beyond normal behaviour.

(2) Pigs which show persistent aggression towards others or are victims of such aggression shall be isolated or kept separate from the group.

Cleaning and disinfection

10.—(1) Housing, pens, equipment and utensils used for pigs must be properly cleaned and disinfected as necessary to prevent cross-infection and the build-up of disease-carrying organisms.

(2) Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and avoid attracting flies or rodents.

Bedding

11. Where bedding is provided, this must be clean, dry and not harmful to the pigs.