Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2014 No. 107

ANIMALS

PREVENTION OF CRUELTY

The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014

Made - - - -	*8th April 2014*
Coming into operation	*21st May 2014*

The Department of Agriculture and Rural Development is designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the common agricultural policy of the European Union and makes these Regulations in exercise of those powers and paragraph 1A of Schedule 2 to that Act.

To the extent these Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, it appears to the Department 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 [F3] to be construed as references to those Annexes as amended from time to time.

F1 S.I. 2000/2812

F2 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of the European Union (Amendment) Act 2008 (c.7)

F3 O.J. No. L 303, 18.11.2009, p. 1

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014 and shall come into operation on 21st May 2014.

Expiry

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

(a) regulation 36; and

(b) Schedule 7.

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

(a) regulation 23(1)(g);

(b) regulation 37; and

(c) Schedule 8.

Interpretation

3.—(1) In these Regulations—

"the 1996 Regulations" means the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 [F4];

"authorised veterinary surgeon" means a veterinary surgeon authorised by the Department for the purposes of these Regulations;

"certificate" (except in the terms "temporary certificate", "transitional certificate" or as used in regulation 34(2)) 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;

"the Department" means the Department of Agriculture and Rural Development;

"EU Regulation" means Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing [F5];

"evidence of training and examination" means—

(a) a certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation (Ofqual) [F6] 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;

(b) a licence granted by the Rabbinical Commission for the purpose of slaughtering 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) [F7], and RCVS continuing professional development record combined;

"horse" includes a hinny, ass or mule;

"inspector" means an inspector appointed under regulation 27 or an inspector appointed under section 45 of the Welfare of Animals Act (Northern Ireland) 2011 [F8];

"killing establishment" means any premises, including a knacker's yard, 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;

"Rabbinical Commission" means the Rabbinical Commission for the licensing of Shochetim in England and Wales or the Chief Rabbi in Scotland, responsible for licensing persons carrying out the slaughter of animals in accordance with the Jewish method (Shechita);

"restraining facility for non-stun slaughter" means a pen or compartment which is—

(a) suitable for restraining a bovine animal in an upright position for the purpose of slaughtering in accordance with religious rites (as defined in paragraph 1(c) of Schedule 3); and

(b) 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;

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

"transitional certificate" means a transitional certificate of competence as mentioned in Part 2 of Schedule 7;

"veterinary surgeon" means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966 [F9]; and

"WASK licence" means a registered licence required by or granted in accordance with Schedule 1 to the 1996 Regulations or Schedule 1 to the Welfare of Animals (Slaughter or Killing) Regulations 1995 [F10].

(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.

(5) The Interpretation Act (Northern Ireland) 1954 [F11], except section 20(2) and (3), shall apply to these Regulations as it applies to an Act of the Assembly.

F4 S.R. 1996 No. 558, as amended by S.R. 2000 No. 76, S.R. 2000 No. 78, S.R. 2001 No. 66, S.R. 2001 No. 186, S.R. 2002 No. 304, S.R. 2004 No. 209, S.R. 2008 No. 277 and S.R. 2011 No. 407.

F5 O.J. No. L 303, 18.11.2009, p. 1

F6 Ofqual, a non-ministerial Government Deptartment, was established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22). The matters in relation to which Ofqual has functions are set out in part 7 of that Act and include the regulation of vocational qualifications in Northern Ireland.

F7 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.

F8 2011 c.16 (N.I)

F9 1966 c.36; section 2 was amended by S.I. 2003/2919, **Article 12** and the Schedule, paragraph 1 and S.I. 2008/1824, **Article 2** and the Schedule, paragraph 2(a).

F10 S.I. 1995 No. 731

F11 1954 c.33 (N.I.)

The competent authority

4. The Department is the competent authority for the purposes of the EU Regulation and these Regulations.

PART 2

CERTIFICATES AND TEMPORARY CERTIFICATES

Requirement for a certificate or temporary certificate

5.—(1) Subject to regulation 36 and Schedule 7, 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) a slaughter operation specified in Article 7(2)(a) to (g);

(b) the pithing of a stunned animal;

(c) the assessment of effective pithing;

(d) supervising the killing of fur animals in accordance with Article 7(3); and

(e) the slaughtering of poultry, rabbits and hares on the farm for the purpose of directly supplying small quantities of meat by the producer to the final consumer or to local retail establishments supplying such meat directly to the final consumer as fresh meat where the number of animals slaughtered on the farm exceeds the maximum number of animals referred to in Article 11.

Certificates

7. The competent authority shall 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 shall—

(a) not be less than 16 years old;

(b) subject to regulation 36, 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); and

(d) provide written details if the applicant has—

(i) been convicted of an offence concerning the welfare of animals;

(ii) been refused a licence under the 1996 Regulations in relation to the killing of an animal or related operation; or

(iii) had any such licence revoked or suspended.

Temporary certificates

9. The competent authority shall grant a temporary certificate if—

(a) the applicant meets the conditions in regulation 10; and

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

Conditions for a temporary certificate

10. The applicant shall—

(a) not be less than 16 years old;

(b) submit evidence of registration on a training course in respect of the operation, category of animal and (where appropriate) type of equipment for which a temporary certificate is sought;

(c) submit a written declaration in accordance with Article 21(5)(d) and (6); and

(d) provide written details if the applicant has—

(i) been convicted of an offence concerning the welfare of animals;

(ii) been refused a licence under the 1996 Regulations in relation to the killing of an animal or related operation; or

(iii) had any such licence revoked or suspended.

Grant of certificates and temporary certificates

11.—(1) A certificate or temporary certificate shall specify the operation, category of animal and (where appropriate) type of equipment in respect of which it has been granted.

(2) A certificate or temporary certificate may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if—

(a) in the case of a certificate, the evidence of training and examination submitted with the application for the certificate relates to that operation, category of animal and type of equipment; or

(b) in the case of a temporary certificate, the training course on which the applicant is registered provides training in relation to that operation, category of animal and type of equipment.

(3) Certificates, temporary certificates or licences granted in England, Scotland, Wales or another member State for operations which require a certificate in Northern Ireland under these Regulations shall have effect in Northern Ireland as if they were certificates or temporary certificates granted under these Regulations.

PART 3

ADMINISTRATIVE PROVISIONS

Refusal to grant a certificate or temporary certificate

12.—(1) The competent authority may, by notice in writing served on the applicant, refuse to grant a certificate or a temporary certificate if satisfied that the applicant—

(a) has failed to meet any of the conditions in regulation 8 or 10 (as the case may be); or

(b) is not a fit and proper person to hold a certificate or temporary certificate of competence.