STATUTORY RULES OF NORTHERN IRELAND

2012 No. 156

WELFARE OF ANIMALS

Welfare of Farmed Animals Regulations (Northern Ireland) 2012

Made - - - -	*30th March 2012*
Coming into operation	*2nd April 2012*

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by Section 11(1), (2) and (3) of the Welfare of Animals Act (Northern Ireland) 2011 [F1].

The Department has consulted such persons appearing to it to represent any relevant interests as it considers appropriate.

F1 S.R. 2011 (c.16)

Citation and commencement

1. These Regulations may be cited as the Welfare of Farmed Animals Regulations (Northern Ireland) 2012 and shall come into operation on 2nd April 2012.

Interpretation

2.—(1) In these Regulations—

"calf" means a bovine animal aged up to six months;

"conventionally reared meat chicken" means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

(a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;

(b) that is on a hatchery;

(c) in relation to which the term "Extensive indoor (barn reared)", "Free range", "Traditional free range" or "Free range – total freedom" can be used within the meaning of point (b), (c), (d) or (e) of Annex V to Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat [F2];

(d) that is organically reared in accordance with Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/1991**[F3]**, as last amended by Council Regulation (EU) No 517/2013**]F4**;

"farmed animal" means any animal bred or kept for the production of food, wool, skin or for other farming purposes;

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

"litter", in relation to laying hens, means any friable material enabling the hens to satisfy their ethological needs and, in relation to conventionally reared meat chickens, material which is dry and friable on the surface;

"nest" means a separate space for egg laying, the floor components 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" for the animal has the same meaning as in section 3 of the Welfare of Animals Act (Northern Ireland) 2011;

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

"the Act" means the Welfare of Animals Act (Northern Ireland) 2011;

"usable area" means—

(a) in relation to laying hens, an area used by laying hens, other than that taken up by a nest, which is at least 30cm wide with a floor slope not exceeding 14% and with headroom of at least 45cm; and

(b) in relation to conventionally reared meat chickens, a littered area accessible to the chickens at any time.

(2) Expressions which are not defined in these Regulations and which appear in Council Directive 2008/120/EC**[F5]** laying down minimum standards for the protection of pigs, and in relation to conventionally reared meat chickens, Council Directive 2007/43/EC**[F6]** have the same meaning in these Regulations as they have for the purposes of that Community legislation.

F2 O.J. No. L 157, 17.6.08, p. 46, to which there are amendments and corrections not relevant to these Regulations

F3 Words in reg. 2(1) inserted (11.4.2019) by The Animal Health and Welfare (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/82), reg. 1, **Sch. 2 para. 4**

F4 O.J. No. L 189, 20.7.07, p. 1, as amended by Council Regulation (EC) No. 967/2008 (O.J. No. L 264, 3.10.08, p. 1)

F5 O.J. No. L 47, 18.2.2009, p. 5-13, codified version

F6 O.J. No. L182, 12.7.07, p. 19

Duties on persons responsible for farmed animals

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

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

(a) species;

(b) to its degree of development;

(c) adaptation and domestication; and

(d) physiological and ethological needs in accordance with established experience and scientific knowledge.

Additional duties on persons responsible for poultry, laying hens, conventionally reared meat chickens, calves, cattle, pigs or rabbits

4.—(1) A person responsible for—

(a) poultry (other than those kept in the systems referred to in Schedules 2 and 3) kept in a building, shall 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 more than 350 laying hens shall comply with Schedules 2, 3 and 4, as applicable;

(c) conventionally reared meat chickens shall comply with Schedule 5;

(d) calves confined for rearing and fattening shall comply with Schedule 6;

(e) cattle (other than calves to which sub-paragraph (d) applies) shall comply with Schedule 7;

(f) pigs shall, subject to paragraph (2), comply with—

(i) Part 2 of Schedule 8; and

(ii) Parts 3, 4, 5 or 6 of Schedule 8 (as the case may be) applicable to the particular class of pigs being kept;

(g) rabbits shall comply with Schedule 9.

(2) Paragraphs 12, 29, 30 and 31 of Schedule 8 apply to all holdings newly built, rebuilt or brought into use for the first time on or after 1st June 2003, but in the case of all other holdings, those paragraphs do not apply until 1st January 2013.

(3) Part 1 (Interpretation) of Schedule 5 has effect.

(4) Part 1 (Interpretation) of Schedule 8 has effect.

Codes of Practice

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

(a) shall not attend to the animal unless that person is acquainted with any relevant code of practice and has access to the code while attending to the animal;

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

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

(ii) has access to all such codes while attending to the animal; and

(iii) has received instruction and guidance on those codes.

(2) In this section, a "relevant code of practice" means a code of practice issued or revised under section 16 of the Welfare of Animals Act (Northern Ireland) 2011 relating to the particular species of farmed animal to which a person is attending.

Offences

6. A person commits an offence if, without lawful authority or excuse, that person—

(a) contravenes, or does not comply with a duty in, regulations 3, 4 or 5;

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

Penalties

7. A person guilty of an offence under regulation 6 is liable on summary conviction to—

(a) imprisonment for a term not exceeding 6 months;

(b) a fine not exceeding level 5 on the standard scale; or

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

Revocations

8. The Welfare of Farmed Animals Regulations (Northern Ireland) 2000 [F7] are hereby revoked.

F7 S.R. 2000 No. 270, as amended by S.R. 2002 No. 259, S.R. 2003 No. 244 and S.R. 2010 No. 339

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th March 2012

L.S.

C. McMaster
A senior officer of the
Department of Agriculture and Rural
Development

SCHEDULE 1

Regulation 3(1)

General conditions under which farmed animals shall be kept

Staffing

1. Animals shall 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 shall 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 shall be inspected at intervals sufficient to avoid any suffering.

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

(a) in the case of laying hens, paragraph 1 of Schedule 4;

(b) in the case of conventionally reared meat chickens, paragraph 8 of Schedule 5;

(c) in the case of calves, paragraphs 2 or 3 of Schedule 6; and

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

3. Where animals are kept in a building, adequate lighting (whether fixed or portable) shall 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 shall be kept on, or have access at all times to, a lying area which is well drained or well maintained with dry bedding.

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

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

Record keeping

7. A record shall 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 4;

(ii) in the case of conventionally reared meat chickens, paragraph 8 of Schedule 5;

(iii) in the case of calves, paragraphs 2 or 3 of Schedule 6; and

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

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

8. The record referred to in paragraph 7 shall 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, as the case may be, and shall be made available to an inspector upon request.