STATUTORY RULES OF NORTHERN IRELAND

# 2012 No. 153

# ANIMALS

## ANIMAL WELFARE

# The Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012

*Laid before the Assembly in draft*

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

The Department of Agriculture and Rural Development, in exercise of the powers conferred by section 5(5)(a)(iv) of the Welfare of Animals Act (Northern Ireland) 2011(**1**), makes the following Regulations.

In accordance with section 5(6) of that Act, the Department of Agriculture and Rural Development has consulted those persons appearing to represent interests with which these Regulations are concerned as are considered appropriate.

In accordance with section 55(1) of that Act, a draft of this rule has been laid before the Northern Ireland Assembly and approved by a resolution of the Northern Ireland Assembly.

### Citation and commencement

**1.** These Regulations may be cited as the Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012 and shall come into operation on 2nd April 2012.

### Interpretation

**2.**—(1) In these Regulations—

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

"cattle" means all animals of the bovine species including bison and buffalo;

"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;

(**1**) 2011 c.16 (N.I.)

(b) 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 Regulation (EC) No. 1234/2007 as regards the marketing standards for poultrymeat(**2**);

(c) 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. 2092/91(**3**);

"desnooding" means removal of a turkey's snood;

"disbudding" means removal of the horn bud of cattle, goats or sheep;

"domestic fowl" means a domesticated member of the species Gallus gallus;

"dubbing" means removal of the comb of a domestic fowl;

"farmed" means, in relation to an animal, bred or kept for the production of food, wool or skin or for other farming purposes;

"horses" means any member of the equine species including ponies, asses, donkeys, jennets and mules;

"in velvet" means, in relation to the antlers of a deer, until the velvet is frayed and the greater part of it has been shed;

"laying hen" 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;

"lay person" means, in relation to a procedure listed in Schedules 1 to 11, a person who has received instruction or who is otherwise experienced in the performance of that procedure;

"poultry" means domestic fowl, turkeys, geese, ducks, guinea fowl, quails, pheasants and partridges;

"prohibited procedure" means a procedure which involves interference with the sensitive tissues or bone structure of an animal;

"protected animal" shall have the same meaning as in section 2 of the Act; and

"suitable instrument" means in relation to any procedure, an instrument that is in a fit state of repair and has been designed, or is of a kind commonly used, for the purpose of performing that procedure.

(2) In these Regulations, any reference to a lay person includes a—

(a) veterinary student acting in accordance with paragraph 4 of the Schedule to the Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981(**4**);

(b) person undergoing instruction in accordance with paragraph 5 of Part 1 of Schedule 3 to the Veterinary Surgeons Act 1996(**5**);

(c) veterinary nurse acting in accordance with paragraph 6 of Part 1 of Schedule 3 to the Veterinary Surgeons Act 1966;

(d) student veterinary nurse acting in accordance with paragraph 7 of Part 1 of Schedule 3 to the Veterinary Surgeons Act 1966;

(e) registered medical practitioner or a registered dentist acting in accordance with section 19 of the Veterinary Surgeons Act 1966; and

(**2**) O.J. No. L 157, 17.6.2008, p.46, to which there is a correction not relevant to these Regulations
(**3**) O.J. No. L 189, 20.7.07, p.1, as amended by Council Regulation (EC No. 967/2008 (O.J. No. L 264, 3.10.2008, p.1)
(**4**) S.I. 1981/988 relevant amending instrument is S.I. 1995/2397
(**5**) 1966 c. 36 relevant amending instruments are S.I. 1988/526, 1991/1412, 2002/1479

(f) person entitled to carry out a procedure listed in Schedules 1 to 11 under the Veterinary Surgeons (Exemptions) Order 1962(**6**).

**Requirements when carrying out a permitted procedure**

**3.** Section 5(1) and (2) of the Act does not apply to a procedure listed in Schedules 1 to 11 carried out by a lay person, providing it is carried out—

(a) in accordance with any relevant requirement in those Schedules;

(b) in such a way as to minimise the pain and suffering it causes to the protected animal;

(c) in hygienic conditions; and

(d) in accordance with best practice.

**Performance of prohibited procedures in an emergency**

**4.**—(1) Section 5(1) and (2) of the Act does not apply where a prohibited procedure is carried out in an emergency for the purpose of saving the life or relieving the pain of the protected animal.

(2) Any procedure carried out under paragraph (1) shall be carried out in accordance with regulation 3, in so far as this is practicable in all of the circumstances.

(3) A record shall be kept for 3 years detailing the circumstances and the reason for carrying out the emergency procedure.

**Sampling**

**5.** Subject to regulation 3(b) to (d), section 5(1) and (2) of the Act does not apply to any procedure undertaken by a lay person involving the removal of tissue, hair or feathers from a protected animal for the purposes of genetic analysis.

**Repeals**

**6.** The Welfare of Livestock (Prohibited Operations) Regulations (Northern Ireland) 1987(**7**) is repealed.

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

L.S.

L.S.

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

(**6**) S.I. 1962/2557 relevant amending instruments are S.I. 1982/1627, 2002/1646
(**7**) S.R. 1987 No. 415

SCHEDULE 1 Regulations 2 and 3(a)

CATTLE

# PART I

## Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to cattle

**Identification procedures**

1.—(1) Ear notching;

(2) Ear tagging;

(3) Freeze branding;

(4) Microchipping;

(5) Tattooing;

(6) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

**Procedures for the control of reproduction**

2.—(1) Artificial insemination;

(2) Castration;

(3) Embryo collection or transfer by a non-surgical method;

(4) Implantation of a subcutaneous contraceptive;

(5) Ovum transplantation, including ovum collection by a non-surgical method.

**Other management procedures**

3.—(1) Dehorning;

(2) Disbudding;

(3) Nose ringing;

(4) Removal of supernumerary teats.

# PART II

## Part II specifies any additional conditions for a procedure

**Castration**

4. When the method used is the application of a rubber ring or other device to constrict the flow of blood to the scrotum, the procedure shall only be carried out on an animal aged not more than 7 days or by any other means before the age of two months.

**Embryo collection or transfer by a non-surgical method**

5. An anaesthetic shall be administered.

**Implantation of a subcutaneous contraceptive**

6.—(1) The procedure may not be carried out on a farmed animal.

(2) The procedure shall only be carried out as part of a conservation breeding programme.

**Ovum transplantation, including ovum collection by a non-surgical method**

7. An anaesthetic shall be administered.

**Dehorning**

8. An anaesthetic shall be administered.

**Disbudding**

9.—(1) When the method used is chemical cauterisation, the procedure shall only be carried out on an animal aged not more than 7 days.

(2) When any other method is used, such as heated iron, an anaesthetic shall be administered.

**Removal of supernumerary teats**

10.—(1) The procedure shall only be carried out on an animal that is aged not more than 3 months.

(2) An anaesthetic shall be administered.

SCHEDULE 2 Regulations 2 and 3(a)

PIGS

# PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to pigs

**Identification procedures**

1.—(1) Ear tagging;

(2) Microchipping;

(3) Tattooing;

(4) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

**Procedures for the control of reproduction**

2.—(1) Artificial insemination;

(2) Castration;

(3) Implantation of a subcutaneous contraceptive.