STATUTORY RULES OF NORTHERN IRELAND

2011 No. 407

WELFARE OF ANIMALS

The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*5th December 2011*
Coming into operation	*1st January 2012*

The Department of Agriculture and Rural Development is a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union.

The Department of Agriculture and Rural Development, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendments to the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996

3. The Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996(**4**) are amended in accordance with regulations 4 to 17.

The killing of animals elsewhere than in a slaughterhouse or knacker's yard

4. In paragraph (2) of regulation 15, after the word "slaughterhouse" insert the words "or knacker's yard.".

(**1**) S.I. 2000/2812
(**2**) 1972 c.68
(**3**) 1954 c.33 (N.I.)
(**4**) S.R. 1996 No. 558 as amended by S.R. 2002 No. 304 and S.R. 2008 No. 277; there are other amendments which are not relevant to these Regulations.

Offences and penalties

5. After regulation 26, insert—

"**Time limits for summary prosecutions**

26A.—(1) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981(**5**), a magistrates' court may hear and determine a complaint relating to an offence under these Regulations if the complaint is made—

(a) before the end of the period of three years beginning with the date of the commission of the offence, and

(b) before the end of the period of twelve months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to their knowledge.

(2) For the purposes of paragraph (1)(b)—

(a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge shall be conclusive evidence of that fact, and

(b) a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.".

Methods of killing animals

6. In Schedule 5, Part III, in paragraph 13(e), after the word "slaughterhouse" insert the words " or knacker's yard".

The killing of birds by exposure to gas mixtures

7. In Schedule 7, Part III, in paragraph 7(2), for head (b) substitute—

"(b) any mixture of argon, nitrogen, or other inert gases with atmospheric air and carbon dioxide provided that the carbon dioxide concentration does not exceed 30% by volume and the oxygen concentration does not exceed 2% by volume; or

(c) a biphasic carbon dioxide gas mixture comprising a gas mixture containing up to 40% by volume of carbon dioxide (phase 1), followed by a gas mixture containing a minimum of 70% by volume of carbon dioxide (phase 2).".

Construction of the chamber

8. In Schedule 7, Part III, in paragraph 8(c)(iii), for heads (aa) and (bb) substitute—

"(aa) where the gas mixture used is that mentioned at paragraph 7(2)(a) above, if the concentration by volume of oxygen rises above 5% for more than 30 seconds;

(bb) where the gas mixture used is that mentioned at paragraph 7(2)(b) above, if the concentration by volume of carbon dioxide rises above 30%;

(cc) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, if the concentration by volume of carbon dioxide rises above 40% during phase 1; and

(**5**) 1981 No.1675 (N.I. 26)

(dd) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, if the concentration by volume of carbon dioxide falls below 70% during phase 2. ".

The operation of the chamber

9. In Schedule 7, Part III,—

(a) in paragraph 9, for sub-paragraph (a) substitute—

"(a) (i) where the gas mixture used is that mentioned at paragraph 7(2)(a) or 7(2)(b) above, the birds are exposed to the gas mixture for long enough to ensure that they are killed;

(ii) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, the birds are exposed to the phase 1 gas mixture for long enough to ensure that they are unconscious, before they are exposed to the phase 2 gas mixture for long enough to ensure that they are killed. In all cases birds must remain unconscious from the end of their exposure to the phase 1 mixture until death; ".

(b) in paragraph 10, for sub-paragraph (b)(ii) substitute—

"(ii) where the gas mixture used is that mentioned at paragraph 7(2)(a) or 7(2)(b), the displayed concentration of carbon dioxide is above 30% by volume; or

(iii) where the gas mixture used is that mentioned at paragraph 7(2)(c), the displayed concentration of carbon dioxide is above 40% by volume during phase 1;".

Killing birds by exposure to gas mixtures elsewhere than in a slaughterhouse

10. In Schedule 7A, in the cross heading, after the word "Slaughterhouse" insert the words "or Knacker's Yard".

Interpretation

11. In Schedule 7A, Part I, in paragraph 1—

(a) omit the definitions of "breeder hen", "end of lay hen", "end of life breeder hen" and "laying hen";

(b) in the definition of "chamber" omit the words "end of lay hens, end of life breeder hens or".

Killing birds by exposure to gas mixtures

12. In Schedule 7A, Part II, in paragraph 2, after the word "slaughterhouse" insert the words "or knacker's yard".

End of lay hens and end of life breeder hens

13. In Schedule 7A, Part III—

(a) in the heading, for the words "End of lay hens and end of life breeder hens" substitute the word "Birds".

(b) for paragraph 3(1), substitute—

"Birds may be killed on premises where they have been kept by exposure to gas mixtures in accordance with Part VI.".