STATUTORY RULES OF NORTHERN IRELAND

2010 No. 339

WELFARE OF ANIMALS

The Welfare of Farmed Animals (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*29th September 2010*
Coming into operation	*29th October 2010*

The Department of Agriculture and Rural Development(**1**) makes the following Regulations in exercise of the powers conferred on it by section 2(1) of the Welfare of Animals Act (Northern Ireland) 1972(**2**), and being a Department designated(**3**) for the purposes of section 2(2) of the European Communities Act 1972(**4**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) after consultation with such persons appearing to it to represent any interests concerned as it considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 29th October 2010.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Welfare of Farmed Animals Regulations (Northern Ireland) 2000

2. The Welfare of Farmed Animals Regulations (Northern Ireland) 2000(**6**) are amended in accordance with the following Regulations.

3.—(1) In regulation 2(1)—

(a) after the definition of "the Community legislation", insert—

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

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I. 1) Article 3(4)
(**2**) 1972 c.7 (N.I.) as amended by S.I. 1994/1891 (N.I.6) Articles 10 and 11
(**3**) S.I. 2000/2812
(**4**) 1972 c. 68
(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 2000 No. 270 as amended by S.R. 2002 No. 259 and S.R. 2003 No. 244

(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 poultrymeat(**7**);

(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 2092/91(**8**);";

(b) "infra-red procedure" means an automated procedure involving exposure of the tip of the beak of a chick to a focused high intensity infra-red beam designed to cause a limited area of tissue damage and subsequent loss of the beak tip;

(c) in the definition of "litter", at the end, insert "and, in relation to conventionally reared meat chickens, material which is dry and friable on the surface"; and

(d) in the definition of "usable area"—

(i) after "means", insert ", in relation to laying hens,",

(ii) at the end, insert ", and, in relation to conventionally reared meat chickens, a littered area accessible to the chickens at any time.".

(2) In paragraph (3A)—

(a) after 91/630/EEC, omit "and" and insert ",";

(b) after 2001/88/EC, omit "and" and insert ",";

(c) after 2001/93/EC, insert "and in relation to conventionally reared meat chickens, Council Directive 2007/43/EC(**9**)".

4. After regulation 5A, there shall be inserted—

"**Additional duties on owners and keepers of conventionally reared meat chickens**

5B.—(1) The owner and the keeper of conventionally reared meat chickens shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 3E.".

5. In Schedule 1—

(a) in paragraph 2(3)(b), omit "and";

(b) at the end of 2(3)(c), omit "." and insert "; and".

(c) after sub-paragraph 2(3)(c) insert—

"(d) in the case of conventionally reared meat chickens, paragraph 8 of Schedule 3E"

(d) in paragraph 7—

(i) in sub-paragraph (b)(iii), omit "or";

(ii) for sub-paragraph (b) (iv) substitute—

(**7**) O.J. No. L 157, 17.6.08, p 46, to which there are amendments and corrections not relevant to these Regualtions
(**8**) 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)
(**9**) O.J. No. L 182, 12.07.07, p 19

"(iv) in the case of conventionally reared meat chickens, paragraph 10 of Schedule 3E, or

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

6. For Schedule 3 there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

7. Paragraph 9 of Schedule 3D is substituted by—

"**9.**—(1) For laying hens and chicks that are intended to become laying hens, which are kept on establishments with 350 or more such birds, beak trimming—

(a) may only be performed in order to prevent feather pecking or cannibalism;

(b) may only be carried out using infra-red technology;

(c) may not be performed on birds which are aged 10 days or over; and

(d) must be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure; and

(e) must be carried out in accordance with the provisions of the Veterinary Surgery (Exemptions) Order 1962(**10**).

(2) Sub-paragraphs (1)(b) and (c) do not apply where the procedure is carried out in an emergency in order to control an outbreak of feather pecking or cannibalism.".

8. After Schedule 3D there shall be inserted the Schedule set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 29th September 2010.

L.S.

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

(**10**) S.I. 1962/2557

SCHEDULE 1 Regulation 6

"SCHEDULE 3 Regulation 5

ADDITIONAL CONDITIONS UNDER WHICH POULTRY (OTHER THAN THOSE KEPT IN THE SYSTEMS REFERRED TO IN SCHEDULES 3A, 3B AND 3C) MUST BE KEPT

1.—(1) Where any poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) are kept in a building they shall be kept on, or have access at all times to, well-maintained litter or to a well-drained area for resting.

(2) For all poultry, the beak trimming procedure must be performed in accordance with the Veterinary Surgery (Exemptions) Order 1962."

SCHEDULE 2 Regulation 8

"SCHEDULE 3E Regulation 5B

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CONVENTIONALLY REARED MEAT CHICKENS

PART I

Interpretation

Interpretation

1. In this Schedule—

"chicken" means an animal of the species *Gallus gallus* kept for meat production;

"cumulative daily mortality rate" means the sum of daily mortality rates;

"daily mortality rate" means the number of chickens which have died in a house on the same day including those that have been culled either for disease or because of other reasons divided by the number of chickens present in the house on that day, multiplied by 100;

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

"flock" means a group of chickens which are placed in a house of a holding and are present in this house at the same time;

"food business operator" has the same meaning as it has in Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**11**);

"holding" means a production site on which chickens are kept;

"house" means a building on a holding where a flock of chickens is kept;

"keeper" means any natural or legal person responsible for or in charge of chickens in terms of contract or by law whether on a permanent or temporary basis;

(**11**) O.J. No. L 31, 1.2.02, p 1; last amended by Regulation (EC) No 596/2009 (O.J. No. L 188, 18.7.09, p 14)

"official veterinarian" has the same meaning as it has in Regulation 853/2004 and Regulation 854/2004;

"owner" means any natural or legal person or persons owning the holding where chickens are kept;

"poultry" means any bird reared or kept in captivity for the production of meat or eggs for consumption, or of other products, for restocking supplies of game or for the purpose of any breeding programme for the production of such categories of birds;

"Regulation 853/2004" means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**12**);

"Regulation 854/2004" means Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**13**);

"stocking density" means the total live weight of chickens which are present in a house at the same time per m^2 of usable area;

"working day" means a day other than a Saturday or a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971(**14**).

PART II

General additional conditions

Training

2.—(1) The keeper must hold a certificate recognised by the Department for the purposes of Article 4(3) or (4) of Council Directive 2007/43/EC(**15**) (certificates of completion of training courses or equivalent experience).

(2) The Department must publish from time to time, in such a way as it considers appropriate, a list of certificates recognised by it for the purposes of sub-paragraph (1).

Drinkers and feeding

3.—(1) Drinkers must be positioned and maintained in such a way that spillage is minimised.

(2) Feeding must be either continuously available or meal fed.

(3) Feeding must not be withdrawn from the chickens more than 12 hours before the expected slaughter time.

Litter

4. All chickens must have permanent access to litter that is dry and friable on the surface.

Ventilation and heating

5. Ventilation must be sufficient to avoid overheating and, where necessary, in combination with heating systems to remove excessive moisture.

(**12**) O.J. No. L 226, 25.6.04, p 22; last amended by Regulation (EC) No 219/2009 (O.J. No. L 87, 31.3.09, p 109)
(**13**) O.J. No. L 226, 25.6.04, p 83; last amended by Regulation (EC) No 219/2009 (O.J. No. L 87, 31.3.09, p 109)
(**14**) 1971 c. 80 to which there is an amendment not relevant to these Regulations
(**15**) O.J. No. L 182, 12.7.07, p 19