STATUTORY RULES OF NORTHERN IRELAND

2002 No. 259

WELFARE OF ANIMALS

Welfare of Farmed Animals (Amendment) Regulations (Northern Ireland) 2002

Made - - - - 30th July 2002
Coming into operation in accordance with regulation 1(2) to (4)

The Department of Agriculture and Rural Development(**1**), 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) and of every other power enabling it in that behalf and after consultation with such persons appearing to it to represent any interests concerned as it considers appropriate, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (Amendment) Regulations (Northern Ireland) 2002.

(2) These Regulations shall come into operation for all purposes, other than for the purpose of the revocations made by regulation 4 and regulation 11, on 29th August 2002.

(3) For the purposes of the revocation made by regulation 4, these Regulations shall come into operation on 1st January 2003.

(4) For the purposes of the revocation made by regulation 11, these Regulations shall come into operation on 1st January 2011.

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

(**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.)

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

2. The Welfare of Farmed Animals Regulations (Northern Ireland) 2000(**6**) ("the principal Regulations") shall be amended as provided in regulations 3 to 10.

Interpretation

3. In regulation 2(1) –

(a) for the definition of "laying hen" there shall be substituted the following definition –

> ""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;";

(b) after the definition of "laying hen" there shall be inserted the following definitions –

> ""litter" means any friable material enabling the hens to satisfy their ethological needs;";

"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;";

(c) after the definition of "statutory welfare code" there shall be inserted the following definition –

> ""usable area" means an area, other than any nesting area, used by laying hens at least 30 cm wide with a floor slope not exceeding 14% and with headroom of at least 45 cm;".

Revocation

4. Regulation 4 and Schedule 2 shall be revoked.

Additional duties on owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C to the Welfare of Farmed Animals Regulations (Northern Ireland) 2000)

5. For regulation 5 there shall be substituted the following regulation –

> "**Additional duties on owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C)**
>
> **5.** The owner and the keeper of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) 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 3.".

Additional duties on owners and keepers of laying hens

6. After regulation 5 the following regulation shall be inserted –

> "**Additional duties on owners and keepers of laying hens**
>
> **5A.** The owner and the keeper of establishments with more than 350 laying hens 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 Schedules 3A, 3B, 3C and 3D.".

(**6**) S.R. 2000 No. 270

Issue of statutory welfare codes

7. For paragraph (a) of regulation 14 there shall be substituted the following paragraph –

"(a) Council Directive 99/74/EC(**7**) laying down minimum standards for the protection of laying hens.".

General conditions under which farmed animals must be kept

8. In Schedule 1 –

(a) in paragraph 2(3) for sub-paragraph (a) there shall be substituted the following sub-paragraph –

"(a) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;";

(b) in paragraph 7(b) for sub-paragraph (i) there shall be substituted the following sub-paragraph –

"(i) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;".

Additional conditions under which poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C to the Welfare of Farmed Animals Regulations (Northern Ireland) 2000) must be kept

9. For Schedule 3 there shall be substituted the following Schedule –

"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

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.".

10. After Schedule 3 there shall be inserted the Schedules 3A (non-cage systems), 3B (conventional cages), 3C (enriched cages) and 3D (conditions applicable to all systems) set out in the Schedule to these Regulations.

Revocation of the Veterinary Surgery (Exemptions) Order 1962 as regards laying hens

11. Article 4(c) of the Veterinary Surgery (Exemptions) Order 1962(**8**) shall be revoked insofar as it is applicable to laying hens.

(**7**) O.J. No. L203, 3.8.99, p. 53

(**8**) S.I. 1962/2557 as amended by S.I. 1973/308, S.I. 1982/1627 and S.I. 1983/6

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th July 2002.

L. G. McKibben
A senior officer of the
Department of Agriculture and Rural
Development