STATUTORY RULES OF NORTHERN IRELAND

# 2000 No. 270

# WELFARE OF ANIMALS

## Welfare of Farmed Animals Regulations (Northern Ireland) 2000

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| *Made - - - -* | *18th September 2000* |
| *Coming into operation* | *16th October 2000* |

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 and commencement

**1.** These Regulations may be cited as the Welfare of Farmed Animals Regulations (Northern Ireland) 2000 and shall come into operation on 16th October 2000.

### Interpretation

**2.**—(1) In these Regulations—

"animal" means any animal (including amphibians) bred or kept for the production of food, wool, skin or fur or for other farming purposes;

"authorised officer " means an officer of the Department authorised by it to act for the purposes of the Welfare of Animals Act (Northern Ireland) 1972;

"battery cage" means an enclosed space intended for laying hens in a battery system;

"battery hen" means a laying hen kept in a battery cage;

"battery system" means an arrangement of cages in rows or tiers or rows and tiers;

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

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see*S.I. 1999/283 (N.I.) Article 3
(**2**) 1972 c. 7 as amended by S.I.1994/1891 (N.I. 6)Art. 10
(**3**) S.I. 1972/1811
(**4**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)

"the Community legislation" means the Community legislation referred to in regulation 14;

"keeper" means any person responsible for, or in charge of, animals whether on a permanent or temporary basis;

"laying hen" means an adult hen of the species *Gallus gallus* which is kept for egg production;

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

"statutory welfare code" means a code issued under section 3 of the Welfare of Animals Act (Northern Ireland) 1972, regulation 14 or both statutory provisions; and

"zootechnical treatment" has the meaning given by Article 1(2)(*c*) of Directive 96/22/EEC(**5**) concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) In these Regulations, expressions which are also used in the Welfare of Animals Act (Northern Ireland) 1972 shall have the same meaning as in that Act.

(4) These Regulations shall apply to animals except—

(a) animals living in the wild;

(b) animals whilst at, and animals solely intended for use in, competitions, shows, cultural or sporting events or activities;

(c) experimental or laboratory animals; or

(d) any invertebrate animals.

### Duties on owners and keepers of animals

**3.**—(1) The owner and the keeper of any animal shall take all reasonable steps—

(a) to ensure the welfare of that animal, and

(b) to ensure that it is not caused any unnecessary pain, suffering, injury or distress.

(2) The owner and the keeper of any animal (other than fish, reptiles and amphibians) shall take all reasonable steps to ensure that the conditions under which the animal is bred or kept comply with the requirements set out in Schedule 1.

(3) In deciding whether the conditions under which any animal is bred or kept comply with the requirements set out in Schedule 1, the owner and the keeper of the animal shall have regard to its species, to its degree of development, adaptation and domestication, and to its physiological and ethological needs in accordance with established experience and scientific knowledge.

### Additional duties on owners and keepers of laying hens kept in battery cages

**4.** The owner and the keeper of laying hens kept in battery cages 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 2.

(**5**) O.J. No. L125, 23.5.96, p. 3
(**6**) 1954 c. 33 (N.I.)

**Additional duties on owners and keepers of poultry other than laying hens kept in battery cages**

**5.** The owner and the keeper of poultry other than laying hens kept in battery cages 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 calves confined for rearing and fattening**

**6.** The owner and the keeper of calves confined for rearing and fattening shall ensure that, in addition to the requirements set out Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 4.

**Additional duties on owners and keepers of cattle**

**7.** The owner and the keeper of cattle (other than calves to which regulation 6 applies) shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 5.

**Additional duties on owners and keepers of pigs**

**8.** The owner and the keeper of pigs shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the animals are kept comply with—

(a) the requirements set out in Part II of Schedule 6, and

(b) the requirements set out in Parts III, IV, V or VI of Schedule 6 (as the case may be) applicable to the particular class of pig being kept.

**Additional duties on owners and keepers of rabbits**

**9.** The owner and the keeper of rabbits shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 7.

**Statutory welfare codes**

**10.**—(1) Any person who employs or engages a person to attend to animals shall ensure that the person attending to the animals—

(a) is acquainted with the provisions of any statutory welfare codes relating to the animals to which he attends;

(b) has access to a copy of all such codes while he is attending to the animals; and

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

(2) Any person who keeps animals, or who causes or knowingly permits animals to be kept, shall not attend to them unless he has at the time access to all statutory welfare codes relating to the animals to which he attends, and he is acquainted with the provisions of those codes.

**Powers of an authorised officer**

**11.**—(1) Where an authorised officer considers that animals are being kept in a way which is—

(a) likely to cause them unnecessary pain, suffering, injury or distress; or

(b) otherwise in contravention of any provision of these Regulations,

he may serve a notice on the person appearing to him to be in charge of the animals requiring him, within the period stated in the notice, to take such action as may be specified in the notice and which the authorised officer considers to be reasonably necessary to ensure compliance with these Regulations.

(2) The authorised officer shall, in any notice issued under paragraph (1), give his reasons for requiring any action specified in the notice to be taken.

### Powers of entry

**12.**—(1) An authorised officer acting for the purposes of the Community legislation may, without prejudice to his powers of entry under section 5 of the Welfare of Animals Act (Northern Ireland) 1972, at any reasonable time enter upon any land or any premises in which he knows or suspects that animals are kept for the purposes of ascertaining whether these Regulations have been contravened.

(2) A person who wilfully obstructs or delays an authorised officer in the exercise of his powers of entry in accordance with paragraph (1) shall be guilty of an offence.

(3) An authorised officer exercising powers of entry in accordance with paragraph (1) may take with him a representative of the European Commission acting for the purposes of the Community legislation.

### Offences

**13.**—(1) Subject to paragraph 7(3) and (4) of Schedule 6, a person who without lawful authority or excuse, proof of which shall lie on him—

(a) contravenes or fails to comply with any provision of these Regulations;

(b) fails to comply with a notice served under regulation 11 within the time specified in the notice;

(c) makes any entry in a record, or gives any information for the purposes of these Regulations which he knows 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

(d) causes or permits any of the above,

shall be guilty of an offence under section 2(1) of the Welfare of Animals Act (Northern Ireland) 1972.

(2) In any proceedings against an owner or keeper of animals for a failure to comply with regulation 3(1) or 3(2) (as read with regulation 3(3)), the owner or keeper, as the case may be, may rely on his compliance with any relevant recommendation contained in a statutory welfare code, proof of which shall lie on him, as tending to establish his compliance with the relevant provision.

### Issue of statutory welfare codes

**14.** Without prejudice to its powers to prepare codes containing recommendations for the welfare of livestock under section 3 of the Welfare of Animals Act (Northern Ireland) 1972, the Department may prepare, revoke, vary or amend codes containing recommendations to ensure compliance on the part of owners and keepers of animals with the requirements of—

(a) Council Directive 88/166/EEC(**7**) laying down minimum standards for the protection of laying hens kept in battery cages;

(**7**) O.J. No. L74, 19.3.88, p. 83

(b) Council Directive 91/629/EEC(**8**) laying down minimum standards for the protection of calves as amended by Council Directive 97/2/EC(**9**) and Commission Decision 97/182/EC(**10**);

(c) Council Directive 91/630/EEC(**11**) laying down minimum standards for the protection of pigs; or

(d) Council Directive 98/58/EC(**12**) concerning the protection of animals kept for farming purposes.

**Revocations**

**15.** The Welfare of Livestock Regulations (Northern Ireland) 1995(**13**) and the Welfare of Livestock (Amendment) Regulations (Northern Ireland) 1998(**14**) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 18th September 2000.

*R. S. Johnston*
A Senior Officer of the
Department of Agricultural and Rural
Development

(**8**) O.J. No. L340, 11.12.91, p. 28
(**9**) O.J. No. L25, 28.1.97, p. 24
(**10**) O.J. No. L76, 24.2.97, p. 30
(**11**) O.J. No. L340, 11.12.91, p. 33
(**12**) O.J. No. L221, 8.8.98, p. 23
(**13**) S.R. 1995 No. 172 as amended by S.R. 1998 No. 251
(**14**) S.R. 1998 No. 251