1995 No. 172

WELFARE OF ANIMALS

Welfare of Livestock Regulations (Northern Ireland) 1995

Made . . . . . 14th April 1995

Coming into operation in accordance with regulation 1(2) and (3)

The Department of Agriculture in exercise of the powers conferred on it by section 2(1) of the Welfare of Animals Act (Northern Ireland) 1972(**a**) and, being a Department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) 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.—(1) These Regulations may be cited as the Welfare of Livestock Regulations (Northern Ireland) 1995.

(2) Except as provided by paragraph (3) these Regulations shall come into operation on 24th May 1995.

(3) Regulation 4(1)(*c*) shall come into operation on 24th May 1996.

Interpretation

2.—(1) In these Regulations—

"automatic equipment" means automated or mechanical equipment, the failure of which will cause the livestock to suffer unnecessary pain or unnecessary distress unless the failure is rectified or other provision is made for the care of livestock;

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

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

"boar" means a male pig after puberty, intended for breeding;

(a) 1972 c. 7 (N.I.) as amended by S.I. 1994/1891 (N.I. 6) Art. 10
(b) S.I. 1972/1811
(c) 1972 c. 68

"calf" means a bovine animal aged six months or less;

"gilt" means a female pig intended for breeding, after puberty and before farrowing;

"intensive system" means a husbandry method in which livestock are kept in such numbers or density or in such conditions or at such production levels that their health and welfare depend upon frequent human attention;

"intensive unit" means a unit in which livestock are kept under an intensive system;

"laying hen" means an adult female domestic fowl (*Gallus gallus*) which is kept for egg production;

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

"piglet" means a pig from birth to weaning;

"rearing pig" means a pig from ten weeks of age to the date of slaughter or service;

"sow" means a female pig after the first farrowing;

"stall or pen" includes any form of accommodation in which livestock are kept;

"stock-keeper" means the owner of the livestock or the person responsible for the livestock;

"tether" in relation to livestock, means to so secure or harness by any chain, rope, webbing or other material as to restrict movement;

"the Act" means the Welfare of Animals Act (Northern Ireland) 1972(**a**);

"weaner" means a pig from weaning to ten weeks of age.

(2) Nothing in these Regulations shall apply to any act lawfully done under the Animals (Scientific Procedures) Act 1986(**b**).

(3) These Regulations shall only apply in relation to livestock for the time being situated on agricultural land.

(4) These Regulations shall not apply in relation to bees or fish, including shellfish, crustaceans and molluscs.

(5) In these Regulations, a person knowingly permits livestock to be kept if—

(*a*) the livestock is under his control; and

(*b*) he knows or could reasonably be expected to know how the livestock is or may be kept.

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

(**a**) 1972 c. 7 (N.I.) as amended by S.I. 1994/1891 (N.I. 6) Articles 10 and 11 and 13 to 15
(**b**) 1986 c. 14
(**c**) 1954 c. 33 (N.I.)

Keeping livestock

3.—(1) A person shall not keep, or cause or knowingly permit to be kept, a laying hen in a battery cage unless the appropriate conditions set out in Schedule 1 are complied with in relation to that hen.

(2) A person shall not keep, or cause or knowingly permit to be kept, a calf unless the appropriate conditions set out in Schedule 2 are complied with in relation to that calf.

(3) A person shall not keep, or cause or knowingly permit to be kept, a pig unless the appropriate conditions set out in Schedule 3 are complied with in relation to that pig.

(4) A person shall not keep, or cause or knowingly permit to be kept, other livestock unless the appropriate conditions set out in Schedule 4 are complied with in relation to that livestock.

Welfare codes

4.—(1) Any person who employs or engages persons to attend to livestock shall ensure that the person attending to the livestock—

(*a*) is acquainted with the provisions of all relevant welfare codes relating to the livestock being attended;

(*b*) has access to a copy of those welfare codes while he is attending the livestock; and

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

(2) Any person who keeps livestock, or who causes or knowingly permits livestock to be kept, shall not attend the livestock unless he has access to all welfare codes relating to that livestock while he is attending to them, and is acquainted with the provisions of those codes.

(3) In this regulation "welfare code" in relation to any livestock being attended means a current code prepared and revised from time to time by the Department under section 3 of the Act.

Importation from third countries

5.—(1) A person shall not import a calf or a pig from a country outside the European Communities unless it is accompanied by a certificate issued by the competent authority of that country, certifying that it has received treatment at least equivalent to that granted to animals of Community origin as provided for in Council Directive 91/629/EEC or Council Directive 91/630/EEC.

(2) This regulation shall be enforced under the procedures relating to third country imports contained in the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(**a**).

(a) S.R. 1995 No. 52

Powers of entry

6. An authorised officer who, for the purposes of ascertaining whether these Regulations have been contravened, is exercising his powers under section 5 of the Act to enter upon any land may take with him onto the land a representative of the European Commission acting for the purposes of Council Directive 88/166/EEC, Council Directive 91/629/EEC or Council Directive 91/630/EEC.

Offences

7.—(1) A person who contravenes any provision of these Regulations other than regulation 5 shall be guilty of an offence under section 2 of the Act.

(2) A person who contravenes regulation 5 shall be guilty of an offence under the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995 which is punishable under regulation 31(2) of those Regulations.

Revocations

8. The following Regulations are hereby revoked—

(*a*) the Welfare of Battery Hens Regulations (Northern Ireland) 1989(**a**);

(*b*) the Welfare of Livestock (Intensive Units) Regulations (Northern Ireland) 1978(**b**);

(*c*) the Welfare of Pigs Regulations (Northern Ireland) 1991(**c**).

Sealed with the Official Seal of the Department of Agriculture on 14th April 1995.

(L.S.) *P. T. Toal*
Assistant Secretary

(**a**) S.R. 1989 No. 4
(**b**) S.R. 1978 No. 360
(**c**) S.R. 1991 No. 407

Conditions under which laying hens in battery cages must be kept

1. All cages shall comply with the following requirements—

(*a*) the cage area, measured in a horizontal plane, for each laying hen shall be not less than—

(i) 1,000 cm^2 where one hen is kept in the cage;

(ii) 750 cm^2 where two hens are kept in the cage;

(iii) 550 cm^2 where three hens are kept in the cage; and

(iv) 450 cm^2 where four or more hens are kept in the cage;

(*b*) the minimum cage area for each laying hen shall be capable of being used without restriction and may include the area where the non-waste deflection plate (otherwise known as the egg guard) is placed so long as that area is capable of being so used;

(*c*) a feed trough of a length not less than 10 cm multiplied by the number of hens in the cage and capable of being used without restriction shall be provided;

(*d*) except where nipple drinkers and drinking cups are provided, the cage shall have a continuous drinking channel which shall be—

(i) not less than 10 cm multiplied by the number of hens in the cage; and

(ii) capable of being used without restriction;

(*e*) where drinking points are plumbed in, there shall be not less than two nipple drinkers or two drinking cups within reach of the cage;

(*f*) the height of the cage, for 65% of its area, shall be not less than 40 cm, and, for the remainder of the area, shall be not less than 35 cm (the height being obtained by a vertical line from the floor to the nearest point in the roof and the area being obtained by multiplying 450 cm^2 by the number of hens kept in the cage);

(*g*) the floor of the cage shall be constructed so as to support adequately each of the forward facing claws of each foot;

(*h*) the slope of the floor shall not exceed 14% or 8 degrees, when made of rectangular wire mesh, and 21.3% or 12 degrees for other types of floor.

2. Battery cages shall be designed, constructed and maintained in such a way and materials used shall be such as to prevent any injury or unnecessary suffering to laying hens to the extent possible in the existing state of technology.

3. The design and size of the cage opening shall be such that laying hens can be put in or taken out without causing injury or unnecessary suffering. In particular there shall be no sharp edges or protrusions which are likely to cause injury or unnecessary suffering or allow laying hens to become trapped.

4. The cages shall be suitably equipped and maintained to prevent a hen escaping.

5. Except in the case of therapeutic or prophylactic treatment, all laying hens shall have access to adequate, nutritious and hygienic feed each day in sufficient quantity to maintain them in good health and to satisfy their nutritional needs, and to adequate fresh drinking water at all times.