1989 No. 4

WELFARE OF ANIMALS

Welfare of Battery Hens Regulations (Northern Ireland) 1989

Made . . . . . *4th January 1989*

Coming into operation . . *6th February 1989*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and in exercise of the powers conferred on it by section 2(1) of the Welfare of Animals Act (Northern Ireland) 1972(**c**) 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 has considered appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Welfare of Battery Hens Regulations (Northern Ireland) 1989 and shall come into operation on 6th February 1989.

Interpretation

2.—(1) In these Regulations—

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

"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;

"laying hens" means adult female domestic fowls (*Gallus gallus*) which are kept on agricultural land for egg production.

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

Requirements as to battery cages

3.—(1) Subject to paragraph (2), a person shall not keep or knowingly cause or permit to be kept any laying hens in a battery cage unless the following requirements and the further requirements laid down in the Schedule are complied with—

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) 1972 c. 7 (N.I.)
(**d**) 1954 c. 33 (N.I.)

(*a*) the minimum cage area, measured in a horizontal plane, for each laying hen shall be—

(i) 1000 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 minimum length of 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 or drinking cups are provided, the cage shall have a continuous drinking channel which shall be—

(i) of the same length as the feed trough mentioned in sub-paragraph (*c*); and

(ii) capable of being used without restriction;

(*e*) where drinking points are plumbed in, there shall be a minimum of two nipple drinkers or two drinking cups within reach of the cage;

(*f*) the height of the cage, measured vertically from its floor to the nearest point in its roof, shall be not less than 40 cm over 65% of the minimum cage area and not less than 35 cm at any point over that area;

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

(*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) Until 1st January 1995 the requirements laid down in sub-paragraphs (*a*) to (*h*) shall not apply to battery cages which were built, and put into use before, and are not reconstructed after 1st January 1988.

Offences

4. A person who contravenes any provision of these Regulations shall be guilty of an offence under section 2 of the Act.

Powers of entry

5.—(1) An authorised officer who, for the purpose of ascertaining whether these Regulations have been contravened, is empowered by section 5 of the Act to enter upon any land may take with him on to the land an officer, servant or agent of the Communities.

(2) In this regulation—

"authorised officer" has the same meaning as in section 29(1) of the Act; and

"the Communities" has the same meaning as in section 1(2) of the European Communities Act 1972.

Disapplication

6. The Welfare of Livestock (Intensive Units) Regulations (Northern Ireland) 1978(**a**) shall not apply to laying hens kept in battery cages.

Revocation

7. The Welfare of Battery Hens Regulations (Northern Ireland) 1987(**b**) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 4th January 1989.

(L.S.) *S. R. Armstrong*
Assistant Secretary

(**a**) S.R. 1978 No. 360
(**b**) S.R. 1987 No. 425