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**2009 No.**

**ANIMALS, ENGLAND**

**ANIMAL WELFARE**

**The Welfare of Farmed Animals and Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2009**

*Made* - - - - - *\*\*\**

*Coming into force* - - - *30th June 2010*

The Secretary of State, as the appropriate national authority in relation to England for the purposes of exercising the powers conferred by sections 5(4) and 12(1), (2) and (3) of the Animal Welfare Act 2006(1), makes these Regulations in exercise of those powers.

The Secretary of State has carried out a consultation in accordance with sections 5(5) and 12(6) of that Act.

In accordance with section 61(2) of that Act, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Welfare of Farmed Animals and Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2009; they come into force on 30th June 2010.

**Amendment of the Welfare of Farmed Animals (England) Regulations 2007**

2. The Welfare of Farmed Animals (England) Regulations 2007(2) are amended in accordance with regulations 3 to 5.

**Amendment of regulation 2 (definitions and interpretation)**

3.—(1) In regulation 2(1)—

(a) after the definition of “calf”, insert—

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

(a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;

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(1) 2006 c. 45.  
(2) S.I. 2007/2078.

- (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<sup>(3)</sup>;
  - (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<sup>(4)</sup>”;
- (b) 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
  - (c) 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 regulation 2(2)—
- (a) after sub-paragraph (b), omit “and”;
  - (b) in sub-paragraph (c), for the full stop substitute a semi-colon, and after that insert—
 

“(d) in relation to conventionally reared meat chickens, Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production<sup>(5)</sup>.”.

**Amendment of regulation 5 (additional duties on persons responsible for poultry, laying hens, calves, cattle, pigs or rabbits)**

- 4.—(1) In regulation 5(1)(a), after “Schedules 2 to 4”, insert “and 10”.
- (2) In regulation 5(1)(e), omit “or”.
- (3) In regulation 5(1)(f), for the full stop substitute a semi-colon, and after that insert—
- “(g) conventionally reared meat chickens must comply with Part 2 of Schedule 10.”.
- (4) After regulation 5(3), insert—
- “(4) Parts 1 and 3 of Schedule 10 have effect.”.

**Amendment of Schedule 1 (general conditions under which farmed animals must be kept)**

5. In Schedule 1—
- (a) in paragraph 2(3)(b), omit “and”;
  - (b) in paragraph 2(3)(c), for the full stop substitute a semi-colon, and after that insert—
 

“(d) in the case of conventionally reared meat chickens, paragraph 12 of Schedule 10.”;
  - (c) in paragraph 7—
    - (i) in sub-paragraph (b)(ii), omit “or” the second time it occurs;
    - (ii) in sub-paragraph (b)(iii), omit “or”;
    - (iii) after sub-paragraph (b)(iii), insert—
 

“(iiia) in the case of conventionally reared meat chickens, paragraph 13 of Schedule 10; or”.

<sup>(3)</sup> OJ No L 157, 17.6.08, p 46, to which there is a correction not relevant to these Regulations.

<sup>(4)</sup> OJ No L 189, 20.7.07, p 1, as amended by Council Regulation (EC) No 967/2008 (OJ No L 264, 3.10.08, p 1).

<sup>(5)</sup> OJ No L 182, 12.07.07, p 19.

## **Addition of new Schedule 10**

6. The Schedule (addition of Schedule 10 to the Welfare of Farmed Animals (England) Regulations 2007) has effect.

## **Amendment of the Mutilations (Permitted Procedures) (England) Regulations 2007**

7.—(1) The Mutilations (Permitted Procedures) (England) Regulations 2007<sup>(6)</sup> are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “cattle”, insert—

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

- (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 Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat<sup>(7)</sup>;
- (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<sup>(8)</sup>.”.

(3) In Schedule 4 (birds: requirements when carrying out certain permitted procedures)—

- (a) in paragraph A1 (all procedures in the section on birds in Schedule 1), after “may be performed on”, insert “any conventionally reared meat chicken, or”;
- (b) in paragraph 5 (beak trimming of poultry), at the end, insert—

“The procedure may only be carried out on a conventionally reared meat chicken if it is aged less than 10 days, and only in order to prevent feather pecking or cannibalism.”.

Date \_\_\_\_\_  
Name \_\_\_\_\_  
Minister of State  
Department for Environment, Food and Rural Affairs

## **SCHEDULE**

Regulation 6

### **Addition of Schedule 10 to the Welfare of Farmed Animals (England) Regulations 2007**

After Schedule 9, insert—

<sup>(6)</sup> S.I. 2007/1100, as amended by S.I. 2008/1426.

<sup>(7)</sup> OJ No L 157, 17.6.08, p 46, to which there is a correction not relevant to these Regulations.

<sup>(8)</sup> OJ No L 189, 20.7.07, p 1, as amended by Council Regulation (EC) No 967/2008 (OJ No L 264, 3.10.08, p 1).

Additional conditions that apply to the keeping of conventionally reared  
meat chickens

PART 1

Interpretation

**Interpretation**

**1.** In this Schedule—

“chicken” means a conventionally reared meat chicken;

“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<sup>(9)</sup>;

“holding” means a production site on which chickens are kept;

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

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

“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<sup>(10)</sup>;

“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<sup>(11)</sup>;

“stocking density” means the total live weight of chickens which are present in a house at the same time per m<sup>2</sup> 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 England and Wales under the Banking and Financial Dealings Act 1971<sup>(12)</sup>.

PART 2

General additional conditions

**Training**

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

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

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(9) OJ No L 31, 1.2.02, p 1; last amended by Commission Regulation (EC) No 202/2008 (OJ No L 60, 5.3.08, p 17).

(10) OJ No L 226, 25.6.04, p 22 (corrected version); last amended by Commission Regulation (EC) No 1020/2008 (OJ No L 277, 18.10.08, p 8).

(11) OJ No L 226, 25.6.04, p 83 (corrected version); last amended by Commission Regulation (EC) No 1021/2008 (OJ No L 277, 18.10.08, p 15).

(12) 1971 c. 80.

### **Notification of stocking density**

3.—(1) The person responsible must ensure that the Secretary of State is notified of the intended stocking density of each house, and of any subsequent change to that notified density.

(2) Notification must be made in such manner and form as the Secretary of State may require.

(3) In the case of any stocking density in excess of 33 kilograms per m<sup>2</sup> of usable area, notification (including notification of any change) must be given at least 15 working days before stocking at that density or changed density takes place.

(4) But stocking at a density in excess of 39 kilograms per m<sup>2</sup> of usable area must not take place until it has been approved under paragraph 6.

### **Stocking density limits**

4.—(1) Unless sub-paragraph (2) or (3) applies, the stocking density must not exceed 33 kilograms per m<sup>2</sup> of usable area.

(2) A stocking density in excess of 33 kilograms and up to 39 kilograms per m<sup>2</sup> of usable area may be used if the requirements of paragraph 5 are complied with.

(3) A stocking density in excess of 39 kilograms and up to 42 kilograms per m<sup>2</sup> of usable area may be used if—

- (a) the requirements of paragraph 5 are complied with; and
- (b) the Secretary of State has approved stocking at that density in accordance with paragraph 6.

### **Requirements for higher stocking densities**

5. The requirements of this paragraph are that the person responsible must—

- (a) maintain and keep available compiled documentation in the house giving a detailed description of the production systems, including information on technical details of the house and its equipment, such as—
  - (i) a plan including the dimensions of the surfaces occupied by the chickens;
  - (ii) ventilation and any relevant cooling and heating system (including their location), and a ventilation plan, detailing target air quality parameters (such as airflow, air speed and temperature);
  - (iii) feeding and watering systems (and their location);
  - (iv) alarm and backup systems in the event of a failure of any equipment essential for the health and well-being of the chickens; and
  - (v) floor type and litter normally used;
- (b) keep that documentation updated, including recording technical inspections of the ventilation and alarm systems;
- (c) ensure that each house of a holding is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that—
  - (i) the concentration of ammonia does not exceed 20 parts per million and the concentration of carbon dioxide does not exceed 3000 parts per million, when measured at the level of the chickens' heads;
  - (ii) when the outside temperature measured in the shade exceeds 30°C, the inside temperature does not exceed the outside temperature by more than 3°C; and
  - (iii) when the outside temperature is below 10°C, the average relative humidity measured inside the house during a continuous period of 48 hours does not exceed 70%.

### **Approval for stocking in excess of 39 kilograms**

6.—(1) The person responsible may apply to the Secretary of State for approval to use a stocking density in excess of 39 kilograms and up to 42 kilograms per m<sup>2</sup> of usable area.

- (2) Applications must be made in such manner and form as required by the Secretary of State.
- (3) The Secretary of State must not approve an application unless satisfied that—
- (a) the requirements of paragraph 5 are complied with;
  - (b) no inspection of the holding by an inspector during the two years prior to the date of the application has revealed a failure to comply with the requirements of these Regulations (or, where the inspection took place before the coming into force of this paragraph, what would have been a failure had this paragraph been in force at the time);
  - (c) inspections of the holding by the person responsible have been carried out in accordance with a relevant code of practice (which has the meaning given to it in regulation 6(2));
  - (d) in at least seven consecutive, subsequently checked flocks from any house on the holding, the cumulative daily mortality rate was below  $1\% + (0.06\% \text{ multiplied by the slaughter age of the flock in days})$ .
- (4) But sub-paragraph (3)(d) does not prevent the application being approved if the Secretary of State is satisfied that there is a sufficient reason for a higher mortality rate which is beyond the control of the person responsible.
- (5) For the purposes of sub-paragraph (3)(b), if there has been no inspection during the two years prior to the date of the application, one must be carried out by an inspector (in which case, that sub-paragraph is read as if the words “during the two years prior to the date of the application” were omitted).
- (6) The Secretary of State may withdraw approval if no longer satisfied of the matters referred to in sub-paragraph (3).

### **Drink and feed**

- 7.—(1) Drinkers must be positioned and maintained in such a way that spillage is minimised.
- (2) Feed must be either continuously available or meal fed.
- (3) Feed must not be withdrawn from the chickens more than 12 hours before the expected slaughter time.

### **Litter**

8. All chickens must have permanent access to litter.

### **Ventilation and heating**

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

### **Noise**

10. In all houses—
- (a) the sound level must be minimised; and
  - (b) ventilation fans, feeding machinery or other equipment must be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

### **Light**

- 11.—(1) All houses must have lighting with an intensity of at least 20 lux during the lighting periods, measured at bird eye level and illuminating at least 80% of the usable area.
- (2) A temporary reduction from that lighting level is permitted where necessary following veterinary advice.
- (3) Within 7 days from the time when the chickens are placed in the house and until 3 days before the expected time of slaughter, the lighting must follow a 24-hour rhythm and include periods of

darkness lasting at least 6 hours in total, with at least one uninterrupted period of darkness of at least 4 hours, excluding dimming periods.

### **Inspection**

**12.**—(1) All chickens kept on the holding must be inspected at least twice a day.

(2) Special attention must be paid to signs indicating a reduced level of animal health or welfare.

(3) Chickens that are seriously injured or show evident signs of health disorder (including those having difficulties in walking, severe ascites or severe malformations), and are likely to suffer, must receive appropriate treatment or be culled immediately.

### **Cleaning**

**13.** After the final depopulation of a house and before a new flock is introduced—

(a) any part of a house, and any equipment or utensil, which has been in contact with chickens must be thoroughly cleaned and disinfected; and

(b) all litter must be removed and clean litter provided.

### **Record keeping**

**14.**—(1) The person responsible must maintain, for each house in which chickens are kept, a record of—

(a) the number of chickens introduced;

(b) the usable area;

(c) the hybrid or breed of the chickens (if known);

(d) the number of chickens found dead, with an indication of the causes (if known), as well as the number of chickens culled with cause, on each inspection; and

(e) the number of chickens remaining in the flock following the removal of chickens for sale or slaughter.

(2) The record must be retained for at least 3 years.

## **PART 3**

### **Monitoring and follow up at the slaughterhouse**

#### **Food chain information and chickens dead on arrival**

**15.**—(1) For the purposes of Section III (food chain information) of Annex II to Regulation 853/2004, the daily and cumulative mortality rate and the hybrid or breed of chickens from a flock with a stocking density in excess of 33 kilograms per m<sup>2</sup> of usable area is treated as relevant food safety information.

(2) A food business operator operating a slaughterhouse must—

(a) under the supervision of the official veterinarian, record the number of chickens from such a flock that are dead on arrival at the slaughterhouse; and

(b) provide that information on request to the official veterinarian.

#### **Identification of poor welfare conditions and follow up**

**16.**—(1) An official veterinarian conducting controls under Regulation 854/2004 in relation to chickens must evaluate the results of their post mortem inspection to identify possible indications of poor welfare conditions in their holding or house of origin.

(2) If the mortality rate of the chickens or the results of the post mortem inspection are consistent with poor animal welfare conditions, the official veterinarian must communicate the data to the person responsible for the chickens and to the Secretary of State without delay.”.

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007/2078) and the Mutilations (Permitted Procedures) (England) Regulations 2007 (S.I. 2007/1100) to implement Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production (OJ No L 182, 12.7.07, p 19).

The amendments to the Welfare of Farmed Animals (England) Regulations 2007 are as follows.

Regulation 2 (definitions and interpretation provision) is amended, including the insertion of a definition of “conventionally reared meat chicken” (which covers chickens kept for meat production, except for those on holdings with fewer than 500 chickens or with only breeding stocks; which are on hatcheries, or which are barn reared, free range or organically-produced) (regulation 3).

Regulation 5 (additional duties on persons responsible) is amended to provide that persons responsible for conventionally reared meat chickens are required to comply with a new Schedule 10 (regulation 4).

Schedule 1 (general conditions under which farmed animals must be kept) is amended to include provisions relating to conventionally reared meat chickens (regulation 5).

A new Schedule 10 is added, which sets out additional conditions that relate to conventionally reared meat chickens (regulation 6).

Regulations 7 and 9 of the Welfare of Farmed Animals (England) Regulations 2007 contain offences and penalties relating to, amongst other things, the contravention of, or non-compliance with, a duty in regulation 4 or 5 of those Regulations.

The Mutilations (Permitted Procedures) (England) Regulations 2007 are amended to insert a definition of conventionally reared meat chickens and to prohibit the mutilation of such birds, other than beak trimming on birds aged less than 10 days in order to prevent feather pecking or cannibalism (regulation 7). Sections 5(1) and (2) and 32 of the Animal Welfare Act 2006 (c. 45) contain offences and penalties relating to the carrying out of prohibited procedures on protected animals.

A full impact assessment on the effect of this instrument on the costs of business has been prepared and placed in the library of each House of Parliament. Copies may be obtained from the Department for Environment, Food and Rural Affairs, Animal Welfare Core Function, 9 Millbank, c/o 17 Smith Square, London SW1P 3JR.