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# Consultation on New Regulations and Code for Meat Chicken Welfare

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## **Part 1**

### **Executive Summary**

#### **Background**

1. The Welfare of Farmed Animals and Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2009 is a draft affirmative Statutory Instrument (this means that it will be subject to Parliamentary debate) which will be made under the Animal Welfare Act 2006 and transposes Council Directive 2007/43 (See Annex A) regarding the welfare of

meat chickens. The Regulations will amend the Welfare of Farmed Animals (England) Regulations 2007 (WoFAR 2007), primarily through the addition of a new Schedule. They will also amend the Mutilations (Permitted Procedures) (England) Regulations 2007.

2. Council Directive 2007/43 and the draft Regulations apply to those who keep conventionally reared meat chickens but do not apply to

- holdings with less than 500 birds,
- hatcheries,
- breeding chickens,
- extensive indoor,
- free-range, or
- organic chicken.

3. However, these birds are still subject to the general provisions of the Animal Welfare Act 2006 and Schedule 1 of the Welfare of Farmed Animals (England) Regulations 2007. In addition, these birds (except for those found on hatcheries) will be subject to the new draft Defra welfare Code which forms part of this consultation package.

4. For ease of reference we have decided to call the chickens subject to the provisions of the Directive “conventionally reared” for the purposes of the draft Regulations only. The following table provides more detail on the scope of legislation and welfare codes.

	<b>Legislation in England</b>			<b>Code</b>
<b>Type of meat chicken production system</b>	<b>Animal Welfare Act 2006</b>	<b>Welfare of Farmed Animals (England) Regulations 2007 (as amended) Schedule 1</b>	<b>Welfare of Farmed Animals (England) Regulations 2007 (as amended) New</b>	<b>Defra Welfare Code</b>

			<b>Schedule 10</b>	
<b>Holdings with &lt;500 birds</b>	+	+	-	+
<b>Broiler Breeder flocks</b>	+	+	-	+
<b>Hatcheries</b>	+	+	-	-
<b>&gt;500 birds conventionally reared stocking density up to 33kg/m<sup>2</sup></b>	+	+	+	+
<b>&gt;500 birds conventionally reared stocking density more than 33kg/m<sup>2</sup> up to 39kg/m<sup>2</sup></b>	+	+	+	+
<b>&gt;500 birds conventionally reared stocking density more than 39kg/m<sup>2</sup> up to 42kg/m<sup>2</sup></b>	+	+	+	+
<b>Free range chickens*, (maximum stocking density 27.5kg/ m<sup>2</sup>)</b>	+	+	-	+
<b>Extensive indoor*, (maximum stocking density 25kg/ m<sup>2</sup>)</b>	+	+	-	+
<b>Organically reared chickens in accordance with Council Regulation (EC) No 834/2007 (maximum stocking density 21kg/m<sup>2</sup>)</b>	+	+	-	+

\* as referred to in points (b), (c), (d), (e) of Annex V to Commission Regulation (EEC) No 543/2008 introducing detailed rules for implementing Regulation (EEC) No 1234/2007 as regards the marketing standards for poultrymeat

5. The Directive lays down various requirements for the keeping of conventionally reared chickens from the time chicks are brought to production sites until they leave for slaughter. These requirements depend on the stocking density being operated. There are new provisions for checks at the slaughterhouse on mortality and other indicators so that a consistent approach to concerns about poor welfare can be taken via feedback to the producer and Animal Health. The Directive is thus unique in that it measures welfare outcomes and provides for a feedback mechanism between delivery agents and the producer, thus potentially identifying those who may be operating at lower levels of stockmanship. We envisage that for most producers the Directive's requirements will simply build on systems and processes already in place on the ground.

6. It is foreseen that the delivery agencies who currently monitor and enforce meat chicken welfare will continue to do so, (Animal Health, the Meat Hygiene Service and Local Authorities). Animal Health will continue to monitor welfare of farms both in response to information from the slaughterhouse and as part of a risk based inspection programme including responding to complaints. As is the case now, any prosecutions will be taken by the appropriate Local Authority with supporting evidence from Animal Health. Additional powers for inspection and enforcement are not required in these draft Regulations since the provisions in the Animal Welfare Act and WofAR 2007 are sufficient to maintain the status quo.

7. Our general approach in transposing Directive 2007/43 has to been to do so through administrative and legislative means which do not impose considerable additional burdens on producers and delivery agents yet at the same time deliver real benefits for meat chicken welfare. For example, Assured Chicken Production will be taking on board the Directive's provisions in their scheme requirements for 2010 and the meat chicken industry have been developing a training scheme which will cover the areas specified in the Directive.

8. It is Government policy not to gold plate EU Directives when transposing, unless there are exceptional circumstances. Gold-plating is defined as ;

- Extending the scope, adding in some way to the substantive requirement, or substituting wider UK legal terms for those used in the Directive,
- Not taking full advantage of any derogations which keep requirements to a minimum,
- Retaining pre-existing UK standards where they are higher than those required by the Directive
- Sanctions, enforcement mechanisms and matters such as burden of proof that are not proportionate, flexible and appropriate.
- Implementing early, before the date given in the Directive.

### **Purpose of consultation**

9. This consultation covers England only. Separate but similar consultations will be taking place in Scotland, Wales and Northern Ireland.

10. We welcome comments on the draft SI and all the other documentation but there are some aspects on which we would particularly value your views. These are highlighted throughout the consultation document and are summarised below for convenience.

### **Summary of questions**

#### **Statutory Instrument**

- **Is the meaning of “person responsible” contained within the Animal Welfare Act 2006 sufficient to capture all those who will**

have responsibility for meat chickens at any stage on the holding?

- Should the Statutory Instrument provide the option for producers to stock up to a maximum of 42kg/ m<sup>2</sup>?

### **Industry Training**

- Comments and suggestions are welcome on any aspect of our proposed methods of implementing the training provision of the Directive via the use of National Vocational Qualifications (NVQs). In particular we welcome views on our proposal to run a “grandfather rights” scheme. Is this something that is needed and how many farmers and stock-keepers would wish to take advantage of this scheme?

### **Animal Health**

- What are your views on the proposed system for notification of stocking density and approval by Animal Health?
- Do you have comments on the proposed system of communication between Animal Health and the Meat Hygiene Service?

### **Slaughterhouse Monitoring and Meat Hygiene Service**

- What are your opinions on only requiring producers to provide mortality rate data for each day of production when the value provided for ‘House mortality to age when the Food Chain Information completed’ exceeds a set trigger level?
- What are your overall opinions on the proposed monitoring and follow-up procedures at the slaughterhouse?

## **Impact Assessment**

- **Welcome comments on the assumptions, costs and benefits set out in the Impact Assessment.**
- **We have assumed that around 16% of holdings currently stock above 39kg/m<sup>2</sup>. Is this proportion accurate?**
- **We have predicted that about 5% of holdings will wish to continue to stock at above 39kg/m<sup>2</sup> after the Regulations come into force. Is this a fair assumption?**

## **Welfare Code**

- **Is the format of the Code clear and easily understandable?**
- **Can you identify which sections apply to different systems of production?**
- **Is it useful to have an Annex containing information on some other legislation affecting meat chickens?**
- **Is there any additional on-farm welfare advice that you would find helpful to have in the Code?**

## **How to respond**

11. Please e-mail your comments to our dedicated box: [animalwelfareconsultations@defra.gsi.gov.uk](mailto:animalwelfareconsultations@defra.gsi.gov.uk) or send them to:

On-farm Animal Welfare Team, Area 8B, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR

## **Part II**

### **Information about the draft Welfare of Farmed Animals and Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2009**

12. A copy of the draft regulations can be found at Annex B

13. The Welfare of Farmed Animals and Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2009 implement Council Directive 2007/43 which lays down minimum rules for the protection of

chickens for meat production. The draft Regulations will amend the Welfare of Farmed Animals (England) Regulations 2007 (SI 2007/2078) and the Mutilations (Permitted Procedures) (England) Regulations 2007 (SI 2007/1100). The Mutilations (Permitted Procedures) (England) Regulations 2007 were also amended in 2008.

14. Regulation 3 inserts new definitions and interpretation provisions into WoFAR 2007. You will see that the phrase “conventionally reared meat chicken” has been introduced to define those chickens covered by the Directive. This definition avoids having to say throughout the SI that provisions apply to meat chickens except for those in breeding flocks, hatcheries etc. This definition applies only in relation to these draft Regulations.

15. Regulation 4 requires persons responsible for conventionally reared chickens to comply with a new Schedule which will be inserted into WoFAR 2007. Chickens which are kept on holdings with fewer than 500 meat chickens, or with only breeding stocks of chicken, or hatcheries or extensive indoor (barn reared), free-range or organic chicken will still be subject to Schedule 1 of WofAR as will conventionally reared chickens

16. The meaning of a “ person responsible” is set out in the Animal Welfare Act 2006 as ;

- a person responsible for an animal whether on a permanent or temporary basis.
- references to being responsible for an animal include being in charge of it.
- a person who owns an animal shall always be regarded as being a person who is responsible for it.
- a person shall be treated as responsible for any animal for which a person under the age of 16 years of whom he has actual care and control is responsible.

**Question: Is this meaning of “person responsible” contained within the Animal Welfare Act 2006 sufficient to capture all those who will have responsibility for meat chickens at any stage on the holding?**

17. Regulation 7 amends the Mutilations (Permitted Procedures) (England) Regulations 2007 by prohibiting any mutilation, including castration, for conventionally reared meat chicken. The only exception is beak trimming which is permitted on chickens less than 10 days old when other measures to prevent feather pecking and cannibalism have been exhausted. We believe that in practice no mutilations are carried out on conventionally reared meat chickens.

### **The Schedule**

18. A new Schedule 10 is added to WoFAR. Part 1 provides further definitions. Part 2 sets out general additional conditions that those keeping conventionally reared meat chickens will have to meet.

19. Paragraph 2 requires the keeper of chickens to hold a certificate attesting to completion of a recognised training course or equivalent experience. A paper setting out in more detail our thoughts on training and questions can be found at Annex C.

20. Paragraphs 3-6 deal with notification of the intended stocking density of each house, stocking density limits, requirements to be met and the approval system for those producers stocking in excess of 39kg/m<sup>2</sup> up to a maximum of 42kg/m<sup>2</sup>.

21. A maximum stocking density of 33kg/m<sup>2</sup> is permitted in the Regulations. However, we intend to take advantage of the provision in the Directive which allows Member States to stock above 33kg/m<sup>2</sup> up to a maximum of 39kg/m<sup>2</sup> providing certain additional requirements are met. These relate to maintaining particular technical details of the house and its equipment which will be available for inspection by Animal Health. In addition, parameters are set for ammonia levels, temperatures in hot conditions and the average relative humidity.

22. In addition, we have included the Directive's provision within the draft Regulations for producers to stock above 39kg/m<sup>2</sup> up to a maximum of 42kg/m<sup>2</sup> provided that they are able to meet additional requirements in relation to monitoring of the holding by Animal Health and the cumulative daily

mortality rate. However, we believe that very few producers will in practice wish to make use of this provision to stock meat chickens up to 42kg/m<sup>2</sup>.

**Question: Should the Statutory Instrument provide the option for producers to stock up to a maximum of 42kg/ m<sup>2</sup>?**

23. A paper setting out details of how Animal Health plan to inspect and enforce the legislation along with their relationship with the Meat Hygiene Service can be found at Annex D. Animal Health intend to register all producers covered by this legislation. They will make full use of details contained within the GB Poultry Register to pre-populate forms but will require additional information such as house stocking density and house ID.

24. The remainder of Part 2 sets out the additional conditions that all those keeping conventionally reared meat chickens will have to meet. These include aspects such as drink and feed, litter, ventilation and heating, noise, and light, inspection, cleaning and record keeping.

25. Part 2 of the new Schedule 10 deals with the additional monitoring and follow up arrangements at the slaughterhouse. Again, a separate paper explaining what this will mean for producers and questions can be found at Annex E .

26. Paragraph 15 requires the producer of consignments of meat chickens from flocks stocked above 33kg/m<sup>2</sup> to supply information on daily mortality rates, the cumulative mortality rate and the hybrid or breed of chicken as part of the relevant food safety information as required by Regulation 853/2004. See Annex E for suggestions as to how this requirement can be proportionately applied. Paragraph 15 also requires the recording of the number of dead on arrivals at the slaughterhouse by the food business operator.

27. Paragraph 16 requires Post Mortem inspections to be evaluated in order to identify indications of poor welfare conditions in the consignments' holding or house of origin. Annex E explains how this might be achieved. Paragraph 16 also requires the official veterinarian to notify the producer and the Competent Authority (Animal Health) if the mortality rate or the results of the Post Mortem inspections are consistent with poor welfare. Annex E explains how this system might work.

28. No additional enforcement powers are provided for in these Regulations since sufficient powers are set out in the Animal Welfare Act 2006 and WoFAR 2007.

### **Impact Assessment**

29. A copy of the consultation Impact Assessment can be found at Annex F

30. Two main options are considered. The first involved implementing the Directive in full, applying all derogations including the derogation to allow stocking up to a density of 42kg/m<sup>2</sup> provided additional enhanced welfare measures are met. The second option involved not allowing stocking up to this higher density and therefore applying a maximum stocking density of 39kg/m<sup>2</sup>.

**Question: We welcome comments on the assumptions, costs and benefits set out in the Impact Assessment.**

**Question: We have assumed that around 16% of holdings currently stock above 39kg/m<sup>2</sup>. Is this proportion accurate?**

**Question: We have predicted that about 5% of holdings will wish to continue to stock at above 39kg/m<sup>2</sup> after the Regulations come into force. Is this a fair assumption?**

### **Welfare Code**

31. A copy of the draft welfare code can be found at Annex G. The Code is intended as a guide to the legislation and highlights best practice. The Welfare of Farmed Animals (England) Regulation 2007 states that any person responsible for a farmed animal must not attend to the animal unless he is acquainted with any relevant code of practice and has access to the code while attending to the animal. In addition people who employ or engage any persons to attend to a farmed animal must ensure that said persons have

received instruction and guidance on the code and are familiar with the code and have access when attending to the animals.

32. For ease of reference we have retained the current scope of the Code so that it covers all systems of meat chicken production. The new additional requirements for conventionally reared meat chickens have been specifically highlighted in the relevant legislation boxes.

### **Questions**

- **Is the format of the Code clear and easily understandable?**
- **Can you identify which sections apply to different systems of production?**
- **Is it useful to have an Annex containing information on some other legislation affecting meat chickens?**
- **Is there any additional on-farm welfare advice that you would find helpful to have in the Code?**