

EUROPEAN COMMUNITIES (WELFARE OF CALVES) REGULATIONS 1998

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 91/629/EEC of 19 November 1991, as amended by Council Directive No. 97/2/EC of 20 January 1997 and Commission Decision No. 97/182/EC of 24 February 1997, hereby make the following regulations:

- (1) O.J. No. L340 of 11.12.1991, p.28.
- (2) O.J. No. L25 of 28.1.1997, p.24.
- (3) O.J. No. L76 of 18.3.1997, p.30.

REG 1

Citation and commencement.

1. (1) These Regulations may be cited as the European Communities (Welfare of Calves) Regulations, 1998.
- (2) These Regulations shall come into operation on the 19th day of May, 1998.

REG 2

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires—
"approved disinfectant" means a disinfectant which for the time being stands approved by the Minister in accordance with the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975), amended by the Diseases of Animals (Disinfectants) Order, 1975 (Amendment) Order, 1978 (S.I. No. 345 of 1978);
"authorised officer" means a person who for the time being stands appointed under Regulation 8 or is an inspector;
"Directive" means Council Directive No. 91/629/EEC of 19 November 1991(4), as amended by Council Directive No. 97/2/EC of 20 January 1997(5) and Commission Decision No. 97/182/EC of 24 February 1997(6);
4. O. J. No. L340 of 11.12.1991, p.28.
5. O. J. No. L25 of 28.1.1997, p.24.
6. O. J. No. L76 of 18.3.1997, p.30.
"inspector" means an inspector within the meaning of the Protection of Animals Kept for Farming Purposes Act, 1984 (No. 13 of 1984);
"Minister" means the Minister for Agriculture and Food;
"premises" includes land, with or without buildings;
"registered veterinary surgeon" means a person currently registered in the register established under the Veterinary Surgeons Act, 1931 (No. 36 of 1931);
"third country" means a country which is not a member of the European Communities;
"unnecessary suffering" means, in relation to a calf, pain, distress or suffering that in its kind or degree, or in its object, or in the circumstances in which it occurs, is unreasonable or unnecessary.
(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.
(3) In these Regulations, unless the contrary intention appears—

- (a) a reference to a Regulation is to a Regulation of these Regulations,
- (b) a reference to a Schedule is to a Schedule to these Regulations, and
- (c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs.

REG 3

Application.

3. These Regulations shall apply to calves confined for rearing and fattening.

REG 4

Space requirements for installations.

4. (1) Subject to paragraph (2), the owner or person in charge of a holding newly built or rebuilt or brought into use after the coming into operation of these Regulations and used for the rearing or fattening of calves shall ensure that his or her installation complies with the following requirements—

- (a) (i) that no calf shall be confined in an individual pen after the age of 8 weeks unless a registered veterinary surgeon certifies that its health or behaviour requires it to be isolated in order to receive treatment, and
- (ii) that the width of any individual pen for a calf shall be at least equal to the height of the calf at the withers, measured in the standing position, and the length of the individual pen shall be at least equal to the body length of the calf, measured from the tip of the nose to the caudal edge of the tuber ischii (pin bone), multiplied by 1.1,
- (b) that individual pens for calves except those for isolating sick calves shall not have solid walls but shall have perforated walls which allow the calves to have direct visual and tactile contact,
- (c) that for calves kept in groups, the unobstructed space allowance available to each calf shall be at least equal to—
 - (i) 1.5 m² for each calf with a live weight of less than 150 kilograms,
 - (ii) 1.7 m² for each calf with a live weight of 150 kilograms or more but less than 220 kilograms, and
 - (iii) 1.8 m² for each calf with a live weight of 220 kilograms or more.

(2) Holdings newly built or rebuilt or brought into use before the coming into operation of these Regulations and which do not comply with the requirements of subparagraph (a), (b) or (c) of paragraph (1) shall not be used for the rearing or fattening of calves after the 31st day of December, 2006.

(3) The provisions of this Regulation shall not apply to—

- (a) holdings with fewer than 6 calves, or
- (b) calves kept with their mothers for suckling.

REG 5

Responsibilities of care and welfare.

5. A person who owns or for the time being has under his or her control calves to which these Regulations apply and every person engaged in the keeping of such calves shall ensure that the conditions for rearing or fattening calves comply with these Regulations and with the general provisions specified in the Schedule.

REG 6

Imports from third countries.

6. No person shall import a calf from a third country unless the calf is accompanied by a certificate, issued by a competent authority of that country, certifying that the animal has received treatment at least equivalent to that granted to animals of European Community origin as provided for in the Directive.

REG 7

Powers of inspection.

7. (1) An authorised officer, member of the Garda Síochána or veterinary expert employed by or acting on the authority of the Commission of the European Communities and accompanying an authorised officer may at all reasonable times enter any holding, installation, premises or place in which the authorised officer or the member of the Garda Síochána has reasonable grounds for believing that calves are being reared or fattened, for the purpose of carrying out inspections and supervision as required by these Regulations and the Directive.

(2) An inspector may at any holding, installation, premises or place—

(a) examine, inspect or carry out a clinical inspection of any calves that he or she may find there,

(b) take, without payment of compensation, such samples from calves, including samples of blood, urine, faeces, hair, saliva, tissue or other thing, and of any article, substance or liquid at the holding, installation, premises or place as the inspector may reasonably require for the purposes of his or her functions under these Regulations and the Directive and carry out or cause to be carried out on the samples such analyses, examinations, checks and inspections as he or she considers necessary or expedient for the purposes of those functions,

(c) there or at any other place, carry out or cause to be carried out such examinations, checks and inspections of the holding, installation, premises or place and any equipment, machinery or plant and any other article, substance or liquid found there as he or she reasonably considers necessary or expedient for the purposes of those functions,

- (d) require any person at the holding, installation, premises or place to give him or her such information and to produce to him or her such books, certificates, documents or other records within the power or procurement of the person as the inspector may reasonably require for the purposes of those functions,
 - (e) examine and take copies of, or extracts from, any such records referred to in subparagraph (d),
 - (f) subject to the provisions of Regulation 9, seize and detain anything found at such holding, installation, premises or place which the inspector reasonably believes to be evidence of the commission of an offence under these Regulations.
- (3) A member of the Garda Síochána shall have all of the powers given to an inspector under paragraph (2) other than the power to examine, test or take samples from calves.
- (4) An authorised officer, other than an inspector, shall have all of the powers given to an inspector under paragraph (2) other than the power to undertake clinical examinations and to take samples of tissue or other thing unless those samples are taken under the supervision of an inspector.
- (5) A person shall not, in purported compliance with a requirement under paragraph (2)(d), give information to an authorised officer or a member of the Garda Síochána that the person knows to be false or misleading in a material respect.

REG 8

Authorised officers, etc.

8. (1) The Minister may appoint such and so many persons as the Minister thinks fit to be authorised officers for the purposes of these Regulations.
- (2) An authorised officer, when exercising any power conferred on him or her by these Regulations, shall, if so requested by any person affected, produce evidence in writing of his or her appointment as an authorised officer or inspector.
- (3) A member of the Garda Síochána, not in uniform, when exercising any power conferred on him or her by or under these Regulations, shall, if so requested by any person affected, produce evidence in writing that he or she is a member of the Garda Síochána.
- (4) A person shall not obstruct or impede an authorised officer or a member of the Garda Síochána in the due exercise of any of the functions of the officer or member under these Regulations.

REG 9

Powers to protect the welfare of calves.

9. (1) Where an authorised officer is of the opinion—
- (a) that the conditions under which calves are being reared or fattened are in contravention of these Regulations,
 - (b) that there is a serious risk to the welfare of the calves,
- and
- (c) that measures should be taken to prevent the calves being caused unnecessary suffering,
- he or she may serve or cause to be served on the owner or person who appears to the authorised officer to be in control of the calves a notice stating that opinion and directing that—

- (i) all or some of the calves be moved to and kept in such place as the officer shall specify in the notice, or
 - (ii) such alterations be made to the holding, installation, premises or place in which the calves are being reared as the officer shall specify in the notice, or
 - (iii) all or some of the calves be destroyed in such manner and at such place as the officer shall specify in the notice.
- (2) A requirement contained in a notice served under paragraph (1) may specify a time limit within which the notice is to be complied with.
- (3) A requirement specified in a notice served under paragraph (1) (in this paragraph referred to as "the earlier notice") may be modified or withdrawn in a further notice and in that event the earlier notice shall have effect subject to such modification or withdrawal.
- (4) A notice served under paragraph (1) may require the owner or person in control of the calves to choose between 2 or more of the requirements specified in the notice.
- (5) A notice referred to in paragraph (1) or (10)(b) shall, subject to paragraph (6), be addressed to the person concerned by name, and may be served on the person in one of the following ways-
- (a) by delivering it to the person,
 - (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address, or
 - (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.
- (6) Where a notice is to be served on a person who is the owner or occupier of premises and the name of the person cannot be ascertained by reasonable inquiry, it may be addressed to the person by using the words "the owner" or, as the case may require, "the occupier".
- (7) (a) A person may appeal within 7 days of the service of a notice under paragraph (1) or (10)(b) to the Judge of the District Court having jurisdiction in the District Court District where the calves are situated or to the Judge of the District Court having jurisdiction in the District Court District where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any of the terms of the notice are not reasonable having regard to these Regulations.
- (b) An appeal made under subparagraph (a) may be heard at any sitting of the District Court within the appropriate District Court District.
- (c) (i) Notice of an appeal made under subparagraph (a) shall be served on the Minister at least 48 hours prior to the hearing of the appeal by serving it on the Minister or by leaving it at the place and in the manner specified in the notice served under paragraph (1) or (10)(b).
- (ii) The notice of appeal shall contain a statement of the grounds upon which it is alleged that a notice served under paragraph (1) or (10)(b) or any of the terms of that notice are not reasonable.
- (d) A copy of the notice of appeal shall be lodged with the appropriate District Court Clerk in the manner specified in the notice served under paragraph (1) or (10)(b) at least 48 hours

prior to the hearing of the appeal.

(8) On the hearing of an appeal under paragraph (7), a Judge of the District Court may confirm, modify, or annul the notice served under paragraph (1) or (10)(b).

(9) (a) No person, including a person upon whom a notice has been served under paragraph (1), shall deal with the calves concerned other than in accordance with the terms of the notice.

(b) In the event of an appeal under paragraph (7) against the terms of a notice served under paragraph (1), no person, including the person appealing, shall deal with the calves concerned pending the determination of the appeal other than in accordance with such directions as shall be given in writing to the appellant by an authorised officer.

(c) Where the terms of a notice served under paragraph (1) are confirmed with or without modification by the Judge of the District Court hearing an appeal made under paragraph (7), no person, including the person who made the appeal, shall deal with the calves concerned other than in accordance with the notice as confirmed.

(10) (a) Where—

(i) the owner or person in control of the calves fails to comply with the terms of a notice served on him or her under paragraph

(1) within the time specified in the notice, or

(ii) an authorised officer has reasonable grounds for believing that the terms of a notice served under paragraph (1) will not be complied with, or

(iii) a notice served under paragraph (1) has been confirmed with or without modification under paragraph (7) and the notice has not been complied with, or

(iv) an authorised officer has reasonable grounds for believing that the terms of a notice served under paragraph (1) which has been confirmed with or without modification under paragraph (7) will not be complied with, or

(v) pending the determination of an appeal made under paragraph (7)(a), an authorised officer has reasonable grounds for believing that directions given under paragraph (9)(b) have not been or will not be complied with,

an authorised officer may at any time seize the calves concerned at such holding, installation, premises or place as he or she thinks fit in the circumstances of the case.

(b) Where an authorised officer seizes any calves under subparagraph

(a) he or she shall serve notice on the owner of those calves of his or her right to appeal to the District Court under paragraph (7).

(c) In relation to any calves seized under subparagraph (a), an authorised officer may sell them or cause them to be sold or be otherwise disposed of in such manner and at such place as the authorised officer considers appropriate in the circumstances of the case.

(d) The proceeds of any sale or disposal of the calves seized under this Regulation shall be paid to the person who was the owner of the calves at the time of the sale or disposal less any expenses incurred in connection with the seizure or the sale or disposal.

(e) The power of an authorised officer under subparagraph (c) may

only be exercised where the authorised officer has served notice under subparagraph (b) on the owner of the calves seized under subparagraph (a) informing the owner of his or her right to appeal to the District Court.

(11) The costs of seizure, sale or disposal of the calves under this Regulation shall, subject to the provisions of paragraph (10)(d), be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction from the person who was the owner of those calves at the time of the sale or disposal.

(12) The costs of any action required under subparagraph (i), (ii) or (iii) of paragraph (1) shall be borne by the person on whom the notice is served.

REG 10

Requirements regarding treatment.

10. An authorised officer may require the owner or person in charge of a calf to which these Regulations apply to obtain veterinary treatment for the animal within a specified time.

REG 11

Offences.

11. (1) An offence under these Regulations may be prosecuted by the Minister.

(2) Any person who contravenes Regulation 4(1), 5, 6, 7(5), 8(4), 9(9) or 10 shall be guilty of an offence.

(3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate, or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

REG 12

Penalties.

12. A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months, or to both.

REG 13

Saver.

13. (1) The provisions of these Regulations are in addition to and not in substitution for the Protection of Animals Act, 1911, as amended by the Protection of Animals (Amendment) Act, 1965 (No. 10 of 1965).

(2) The provisions of these Regulations are in addition to and not in substitution for the Protection of Animals Kept for Farming Purposes Act, 1984.

REG 14

Proof of certain documents.

14. A document which purports to be a copy of the National Rules for Electrical Installations Second Edition 1991 (ET 101/1991) or any amendment to those Rules shall, until the contrary is shown, be accepted in evidence as being a copy of those Rules.

REG 15

Revocation.

15. The European Communities (Welfare of Calves) Regulations, 1995 (S.I. No. 90 of 1995), are hereby revoked.

SCHEDULE

Regulation 5

Conditions for the Rearing or Fattening of Calves

1. Materials used for the construction of calf accommodation and in particular boxes and equipment with which calves may come into contact shall not be harmful to the calves. Those parts of the accommodation with which the animals come into contact shall be capable of being thoroughly cleansed and disinfected and shall be thoroughly cleansed and disinfected, using an approved disinfectant to prevent cross-infection and the build-up of disease-carrying organisms.

2. Electrical circuits and equipment shall be installed in accordance with the terms of the National Rules for Electrical Installations Second Edition 1991 (ET 101/1991) or any amendment to those Rules so as to avoid electric shocks.

3. Insulation, heating and ventilation of the building shall ensure that the air circulation, dust level, temperature, relative air humidity and gas concentrations are kept within limits which are not harmful to the calves.

4. All automated or mechanical equipment essential for the calves' health and well-being shall be inspected at least once daily. Where defects are discovered, these shall be rectified immediately or, if this is impossible, appropriate steps shall be taken to safeguard the health and well-being of the calves until the defect has been rectified, notably by using alternative methods of feeding and maintaining a satisfactory environment.

Where an artificial ventilation system is used, provision shall be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and well-being of the calves in the event of the failure of the system, and an alarm system, independent of the mains electricity supply, shall be provided to warn the owner or person in charge of the breakdown or in the event of fire. The alarm system shall be tested at least once a month and maintained in proper working order.

5. Calves shall not be kept permanently in darkness. To meet their behavioural and physiological needs, the accommodation shall be well lit, by natural or artificial light, for at least 8 hours each day. Every source of artificial light shall be mounted so as not to cause discomfort to the calves. An adequate source of light shall be available to enable the calves to be properly inspected at any time.

6. All housed calves shall be inspected by the owner or the person in charge at least twice daily and calves kept outside shall be inspected at least once daily. Any calf which appears to be ill or injured shall be treated appropriately without delay and veterinary advice shall be obtained as soon as possible for any calf which is not responding to the care of the owner or person in charge of the calves. Where necessary, sick or injured calves shall be isolated in adequate accommodation with dry, comfortable bedding.
7. Subject to Regulation 4, the accommodation for calves shall be constructed in such way as to allow each calf to lie down, rest, stand up and groom itself without difficulty.
8. Calves shall not be tethered, with the exception of group-housed calves which may be tethered for periods of not more than one hour at the time of feeding milk or milk substitute. Where tethers are used, they shall not cause injury to the calves and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit. Each tether shall be designed to avoid the risk of strangulation or injury and to allow the calf to move in accordance with paragraph 7 of this Schedule.
9. Housing, pens, equipment and utensils for calves shall be properly cleansed and disinfected to prevent cross-infection and the build-up of disease-carrying organisms. Faeces, urine and uneaten or spilt food shall be removed and bedding changed as often as necessary to minimise smell and avoid attracting flies or rodents.
10. Floors shall be smooth but not slippery so as to prevent injury to the calves and so designed as not to cause injury or suffering to calves standing or lying on them. Floors shall be suitable for the size and weight of the calves and form a rigid, even and stable surface. The lying area shall be comfortable, clean, and adequately drained and shall not adversely affect the calves. Appropriate bedding shall be provided for all calves less than 2 weeks old.
11. All calves shall be provided with an appropriate diet adapted to their age, weight and behavioural and physiological needs, to promote good health and welfare and for this purpose their food shall contain sufficient iron to ensure an average blood haemoglobin level of at least 4.5 mmol/litre and a minimum daily ration of fibrous food shall be provided for each calf over 2 weeks old, the quantity being raised from 50g to 250g per day for calves from 8 to 20 weeks old. Calves shall not be muzzled.
12. All calves shall be fed at least twice a day. Where calves are housed in groups and not fed ad libitum or by an automatic feeding system, each calf shall have access to the food at the same time as the others in the group.
13. All calves over 2 weeks of age shall have access to a sufficient quantity of fresh water or be able to satisfy their fluid intake needs by drinking other liquids. However, in hot weather conditions or for calves which are ill, fresh drinking water shall be available at all times.
14. (a) Feeding and watering equipment for calves shall be designed, constructed, placed and maintained so that contamination of feed and water is minimised.
(b) Equipment and fittings shall be designed and maintained in such a way as to minimise, as far as is practicable, the exposure of the calves to spills of feed or water, or to faeces and urine.

15. Calves shall be cared for by a sufficient number of suitably experienced personnel.

16. Each calf shall receive bovine colostrum as soon as possible after it is born and in any case within the first 6 hours of life.

GIVEN under my Official Seal, this 5th day of May, 1998.

JOE WALSH

Minister for Agriculture and Food.

EXPLANATORY NOTE

These Regulations give effect to Council Directive No. 91/629/EEC, as amended by Council Directive No. 97/2/EC and Commission Decision No. 97/182/EC. They specify the accommodation requirements for the rearing and fattening of calves. They also lay down rules regarding appropriate diet and inspection of the calves to ensure their health and welfare. They also revoke the European Communities (Welfare of Calves) Regulations, 1995 (S.I. No. 90 of 1995).